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EDITORIAL COMMENT

Well, the Thompson-Crowe forces lost the Chicago crime-ary, but will probably demand that it be shot over, avers Columnist H. I. Phillips in the *New York Sun*.

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Apropos of the comment in the April REVIEW on the decision of the Iowa Supreme Court in the case of *Hauge* v. *Des Moines*, Professor Tooke in this issue calls attention to a later decision in the case of *Ballard-Hassett Co.* v. *Des Moines*. In the latter case the supreme court ruled that the recital that "this bond is payable only out of the special assessment fund created by collection of said special tax," which must now appear on special assessment bonds in Iowa, protects the city against personal liability on the bond.

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The sudden death of Dr. Delos F. Wilcox, which occurred in New York City on April 4, will come as a sorrowful shock to his numerous friends in the National Municipal League. A heavy cold contracted during a brief business visit in the East developed into pneumonia, to which he succumbed two days after entering the hospital. Although best known in later years for his work in the field of public utilities, he first attained prominence through his writings on municipal government. He was a frequent contributor to the NATIONAL MUNICIPAL REVIEW and the author of a number of special monographs published by the League. A man of urgent opinion and uncompromising belief when his scientific position was involved, he yet was deeply beloved by all who knew him as a kind and jovial man. The National Municipal League, as well as all other friends of good government, has lost a faithful and courageous friend. Further accounts of his life will be found in other departments in this issue.

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We also have to record this month the sad news of the death of Francis T. Hayes, formerly secretary of the Cleveland City Club and at the time of his death attorney for the Citizens' League of Cleveland. "Pat," as he was familiarly known, was deeply interested in civic affairs from high school days. He was one of the best known and best liked young men in Cleveland. Affectionately regarded by all and thoroughly grounded in political theory and in municipal and county affairs in Cleveland, his loss will be felt both by the Citizens' League and his friends in the City Club. Although "Pat" had not been in good health for more than a year his death was sudden, following an operation.

Royal Commission on London Squares

Visitors to London are familiar with the occasional open spaces, oases in the wilderness of bricks and mortar, which have remained unbuilt in certain districts but which now are in danger of destruction. There are more than 400 of these pleasant spots, the majority of them being held in private ownership as gardens created for the use of residents of the surrounding houses. Because they are in danger of being cut up for private buildings the London County Council successfully petitioned for a Royal Commission on London Squares to investigate whether they could not be preserved for the people.

The difficulty turns on whether the owners of the squares can properly be prohibited from building on them without being awarded compensation by the government. On the ground that private property could only be taken upon payment of compensation, the House of Lords more than twenty years ago rejected a bill to protect a certain square from a speculative builder. "This decision," states the *Municipal Journal*, "has served as a barrier to every subsequent effort to bring these open spaces within the category of lands forever dedicated to the public use."

It is urged by many, however, that at the time of laying out the estates on which these squares are found, there was no intention of building on them. The houses adjoining them were not provided with separate gardens and the square was a device which, by affording a common breathing space, added to the number of buildings that could be erected in a given area. Consequently the owners have secured throughout the years a higher rental for their properties than otherwise would have been possible. To prevent their destruction, therefore, deprives the owners of no profit which they originally expected to receive. To compel them to be held in their present shape causes no loss to the owners and no compensation is necessary.

In common with other large cities, London needs more breathing space rather than less, and it would seem a pity to permit the destruction of the squares which, although now held in private hands, will undoubtedly one day be dedicated to the public. The question as to whether they can be held out of private development without compensation from the government is one which the Royal Commission was established to decide. To one reared in the American doctrine of police power circumscribed by due process of law, the contention that the owners of the squares are not entitled to damages if prevented from building thereon appears to be doubtful law. But many Englishmen who cannot be classed as socialists do not share this view.

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Civil Service and Prohibition

"What I want is a man who can raid a barroom or knock off a still. I am not greatly concerned whether he can spell 'idiosyncrasy.'" Thus an officer in the bureau of prohibition is reported to have spoken when he learned that approximately 75 per cent of the prohibition enforcement agents failed in the written tests (which did not involve spelling) recently given by the United States civil service commission. Deceptive and exaggerated though his language be, it fairly represents the attitude of many politicians as well as honest administrative officials who feel trammeled by civil service laws. Various persons, some of them in congress, have accordingly united in accusing the civil service

system, and the federal commission in particular, of practical disruption of the prohibition force through a misguided confidence in written tests and book larnin'. Added to these, has been the criticism of some personnel experts, conspicuous among whom has been the Better Government League through its bi-monthly bulletin, *The Public Business*.[1]

By the Act of March 3, 1927, congress brought all positions, excepting the commissioner of prohibition, into the classified list and required that all present incumbents take tests in competition with outsiders if they wished to hold their places. Unassembled examinations were given for the administrative posts. For the other positions, 2,000 in number, written examinations were given to 15,000 candidates. The mortality rate was extremely high. Only 4,400 attained a grade of 60, the minimum necessary to enable a candidate to proceed to the subsequent oral examination and the character investigation. As already indicated, three-fourths of the present incumbents were "plucked" at the first stage. While the oral and character tests are proceeding for the survivors, incumbents are serving under temporary appointments. Heavy pressure has been brought to bear to hold new examinations but the civil service commission maintains that it has done no wrong and will hold no more examinations except in districts where necessary in order to secure sufficient eligibles for the posts. "A civil service examination," states the commission, "cannot be set aside unless there is irregularity or fraud connected with it."

The critics of the commission speak as follows: The examinations cost too much; a special appropriation of $190,000 was secured when the work could have been done without any extra funds whatever. The mortality rate, especially among present office-holders was too high and should alone have revealed to the commission the error of its ways; and the tests were poorly devised without adequate consultation with the prohibition authorities. According to the latter, the more competent agents failed in about the same proportion as the incompetent. The written tests were of the multiple choice type designed to measure judgment; few items related to the eighteenth amendment, or the Volstead Act. The oral interview and character investigations were inadequately planned and are being poorly executed; oral interviews do not truly reveal character. Indeed its measurement has escaped solution by experienced research workers.

A final criticism relates rather to congress but involves the commission and the National Civil Service Reform League. It is that a grave error was committed in the refusal to "cover in" present incumbents, the incompetent to be weeded out later by administrative action; and that the policy of subjecting old employees to examinations is highly unusual and tends to disrupt the service. To this assault the commission and the Civil Service Reform League reply that prohibition enforcement had become a shameful mockery and the same pressure as was exerted in the original appointment would have been applied to retain the inefficient and dishonest. The service was a sink of corruption which had to be abated.

To the accusation of extravagance the commission responds that the examination procedure in this case can not be compared with that in any other. Because of the certainty that large numbers of persons with heavy sinister

[1] *The Public Business*, February–March, 1928. A less severe article covering the same ground appeared in *Public Personnel Studies* for March.

backing would continue to try for appointments, it became necessary to go into the life history of every applicant. This involves added expense of travel for investigators, who in some cases have visited as many as five or six places in which a candidate formerly resided. Approximately fifty trained examiners are now conducting such investigations throughout the United States. Furthermore, the small ratio of successful candidates is no reflection on the written tests, but rather an index of the type which is or seeks to become prohibition agents. The questions, which were such as might reasonably confront any enforcement agent, were not intended to test acquired knowledge but rather the intelligence and reasoning power of the applicant. Items on prohibition law were omitted as being easily mastered in the service and as giving a disproportionate advantage to incumbents.

It is beyond the competence of the present writer to determine the guilt or innocence of the civil service commission in the present instance. Written tests for judgment are still in an embryonic stage and the commission did not conduct extensive experiments to develop an approved standardized test, as is claimed it should have done.

Time was a limiting factor, denying to the commission much opportunity for experimentation with new tests for new posts. It is questionable, therefore, whether more should be expected than a reasonable utilization of tools readily at hand. Moreover, in spite of the difficulties in appraising integrity and character by oral interview and study of a candidate's record, no other method of measuring such intangibles has yet been invented. Certainly the emphasis by the commission upon this stage of the proceedings is proper in view of the history of prohibition enforcement and blame for the inefficiency of the tools does not lie at their door.

The greatest controversy seems to be raging around the question of "blanketing in" the present employees. The elimination of 1,500, who, to a large extent, owed their appointment to political favoritism, has no doubt brought embarrassment to numerous congressmen. It is not disputed that general practice favors the policy of blanketing in. The question raised is whether special conditions in the prohibition bureau do not render such a policy unwise in this instance.

At this writing the final outcome is somewhat in doubt. Senator Brookhart has introduced a bill to permit incumbents of a year's standing upon recommendation of the commissioner to retain their positions without regard to their success or failure in the civil service examination. According to President McAneny of the Civil Service Reform League the bill is a "specious attempt on the part of various selfish political interests . . . to undo in a serious degree what [has been] done and to open the way widely to the retention of favored persons with continuing disregard of their respective qualifications."

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A Correction

Mr. Goodrich has called to our attention an error occurring on page 191 of his supplement to the March REVIEW on "Airports as a Factor in City Planning." It is there stated that municipalities are building airports at an average expenditure of $100 per capita. The error is of course obvious. The figure should have been $1.00 per capita.

PRAYERS AND PINEAPPLES IN CHICAGO POLITICS

BY EDWARD M. MARTIN

The story of the Chicago primary of last month.

PRAYERS and "pineapples"[1] have now earned a place on the political menu. The Chicago primary election on April 10 strikingly proved their potency as weapons of political propaganda. They characterize the extremes reached in Illinois' bitterest election contest. They had a definite part in dealing a death blow to the Republican Small-Smith-Thompson-Crowe combination which for many months had brought the state nation-wide notoriety.

The prizes at stake in the election were the delegates to the presidential conventions, party nominations to the seat in the United States senate left vacant by Frank L. Smith's failure to qualify, to the house of representatives, to high state offices, and to various county and city offices, most important of which was the state's attorneyship of Cook County. The election was warmly contested throughout the state, but the greatest activity naturally centered in Chicago and Cook County, for the trend there determines in large part the outcome for the entire state.

THE FACTIONS AND THE ISSUES

The Democrats were united, but on the Republican side two factions fought for supremacy. The combination led by Governor Len Small, Senator-Designate Frank L. Smith, Mayor "Big Bill" Thompson of Chicago and State's Attorney Robert E. Crowe of Cook County paraded under the banner of "Draft Coolidge" and "America First." This tie-up, with its state, county and city patronage, represented the greatest political machine the state has ever seen.

Opposed to it was the faction led by Senator Charles S. Deneen. This group sought to commit the party to Frank O. Lowden for president, Otis F. Glenn for senator, Louis Lincoln Emmerson for governor, Oscar E. Carlstrom for attorney-general and Circuit Judge John A. Swanson for state's attorney of Cook County. Emmerson is completing three terms as secretary of state and Carlstrom seeks reëlection.

The contests for state offices centered on the issues of the Small interest suits and the Smith campaign contributions. The all-absorbing issue in Cook County was the state's attorneyship. As the chief of the local law enforcement machinery the state's attorney is the most powerful office in the local situation. Robert E. Crowe, who sought renomination to a third four-year term, greatly enhanced the power and authority of the position by political tie-ups. Crowe was aligned with "Big Bill" Thompson, Chicago's circus-minded mayor. Together they bossed the "America First" faction, although Big Bill's flair for the spectacular set the pace for the combination.

In addition to party patronage possibilities, Big Bill's interest in the election centered in thirty-one local bond issues, totalling $77,959,500 for public improvements. Through his

[1] Gangsterese for bomb.

efforts the legislature at its session a year ago automatically doubled the city's debt limit by increasing assessed value from 50 to 100 per cent of fair cash value. Approval of the proposition would have doubled the city's bonded debt.

VIOLENCE RE-ACTS AGAINST THOMPSON

The campaign of the Crowe-Thompson forces appeared headed for a complete clean-up. An organization, well-manned and well-heeled, appeared to assure them success at the polls. Crowe's candidacy had been carefully groomed and had several attributes of respectability. Efforts by the opposition and by the good government forces to unseat him appeared doomed to failure until the last two weeks of the campaign. Here's where the "pineapples" and related tactics come in.

On March 21 Joseph Esposito, a West Side Deneen leader, who opposed a Crowe-Thompson stalwart for ward committee, was shot in the back. Fifty-eight slugs entered his body.

On March 26 the homes of Senator Deneen and Judge Swanson, Deneen candidate for state's attorney, were bombed — "pineappled," gangsters term it — five minutes apart. The infernal machine missed Judge Swanson by barely two seconds. These occurrences were followed by threats of personal violence to Judge Swanson, to members of his family and to leaders in the opposition to Crowe. Bombing threats led to the cancellation of several Deneen meetings. The terrorism culminated in the killing of a Deneen precinct captain on election day.

These terrorist tactics jarred the public apathy and galvanized the entire Deneen forces. The bombings marked the turning point of public opinion toward Judge Swanson. They dramatized his candidacy and the conditions which he pledged himself to remedy.

Crowe tried to explain away the bombings by saying they were perpetrated by his opponents to create sympathy for their cause.

The Chicago Church Federation, through its political action commission, proclaimed a day of prayer for Chicago and Chicagoans.

The steady growth of sentiment for Swanson was perceptible day by day as the campaign wore on. The opposition successfully punctured several of Crowe's manufactured endorsements.

Crowe claimed the endorsement of the Chicago Crime Commission. This claim was based on complimentary statements in the commission's reports concerning the way Crowe had cooperated with the commission. He also cited a letter of approval sent him seven years before by Frank J. Loesch, a leader of the Chicago Bar, who is now president of the Crime Commission. Mr. Loesch's letter commended Crowe for a specific act.

"I hoped to stimulate him in the performance of his official duties," says Mr. Loesch. "I did not give him a clean bill of health for the rest of his life."

The Crime Commission adopted and widely circulated this flat repudiation:

> The Chicago Crime Commission, believing that State's Attorney Crowe is inefficient and unworthy of his great responsibility to maintain law and order in Cook County, and that his alliances are such as to destroy public confidence in his integrity, recommends to the citizens that he be defeated for renomination.

The commission's records show that with the largest staff of any state's attorney his batting average of successful prosecutions between 1921 and 1926 was less than 37 per cent. Of 24,139 defendants tried, 15,331 went free. Coroner's juries declared 1,793 murders were committed. Of this

number, 1,154 were prosecuted; 732 were acquitted; 425 were punished and 33 hanged.

Crowe also claimed the endorsement of 4,757 members of the Cook County Bar. Preferential polls conducted by the Chicago Bar Association and the Chicago *Daily News* showed that lawyers favored Swanson over Crowe in the ratio of 5 to 1.

An impromptu committee of business men challenged Crowe to appear at a public meeting in the Auditorium to answer questions concerning his failure to prosecute cases of vote frauds; his deliberate efforts to block such prosecutions; why he had a law passed preventing judges from appointing special prosecutors; his failure to secure a larger number of convictions in criminal cases. A check for $1,000 was posted for payment to charity if Crowe appeared.

Crowe disregarded this challenge and declined to submit himself to any questioning in a public place. At a City Club forum he literally "ran out," leaving his eyeglasses behind in his hasty exit, when questions began to pop after his set speech.

ELECTION DAY

On election day several hundred men and women, members of civic organizations, volunteered for service as watchers at the polls. The committee of business men hired several hundred men to prevent fraud in the "river wards," Crowe-Thompson strongholds. All watchers were deputized as officers of the county by Judge Edmund K. Jarecki, the officer who in Illinois has charge of the election machinery.

Election day dawned crisp and clear. Approximately 75 per cent of the registered vote was polled. The tabulated returns showed practically the entire Deneen ticket victorious. Emmerson won out over Small by 390,000; Glenn defeated Smith by 225,000; Swanson defeated Crowe by 190,000. The 31 bond issues failed to carry by a two-to-one vote. And even "Big Bill" failed of election as republican committeeman in his home ward.

WHERE ZONING FAILS

BY R. D. MacLAURIN

Commissioner of Trade Waste, City of Cleveland

Zoning for industrial uses segregates nuisances in the interest of residential property. But zoning does not abate dust, fumes, odors, noxious gases or offensive wastes, and therefore fails to accomplish its avowed purpose to better public health and welfare. :: ::

"For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes."

Thus reads Section 1 of "A Standard State Zoning Enabling Act," as pub-

lished by the Advisory Committee on Zoning of the department of commerce, under which municipalities may adopt zoning regulations.

The police power enabling zoning is, therefore, derived from the legislature on the grounds that zoning improves health, safety, morals, or general welfare. With the general idea of zoning the writer agrees. As applied to industries, however, the benefits to health, safety, morals, or general welfare are not conspicuously apparent. The creation and recognition of nuisance areas is not conducive to the welfare of industry itself. In short, the object sought, namely, the betterment of health and general welfare, is not realized to any appreciable extent by the present method of zoning industries. Segregation of industry is merely the first step toward the betterment of welfare conditions, and it is only a short one.

SEGREGATION DOES NOT CONTROL NUISANCES

General welfare certainly includes the welfare of industrial as well as residential districts, but zoning seems to divide these interests in a community. Residential interests are set up against industrial interests, or vice versa. There are no scientific grounds for such differentiation of interests in so far as health or general welfare is concerned. There is only one interest. Such interest may be realized by adopting scientific regulations for the control of nuisance.

Zoning of industries into groups is based on the alleged degree of nuisance produced. In other words, unrestricted industrial zones are established in which alleged nuisances may be created. It is, therefore, difficult to determine to what extent industrial zoning improves health or general welfare.

Industrial zoning seems to be based on the following theories:

Firstly, that industries are nuisances *per se*.

Secondly, that industries are segregated for the purpose of protecting residential property.

Thirdly, that industries cannot be conducted successfully without creating nuisance of greater or less degree.

Fourthly, that the abatement of nuisance means that industry is imperilled and in danger of being closed down.

Aerial nuisances are caused by the pollution of the atmosphere by dusts, fumes, odors and noxious gases. Nearly all such nuisances can be successfully controlled by applying scientific methods already known to the various arts. In other words, if the best practical means known for preventing nuisance were generally applied, very little nuisance would obtain in industrial centers. Progressive industries do not want to be classified as nuisances. In fact, the mastery of nuisance is abundant evidence of good business management. Therefore, in cases where nuisance occurs, it is due chiefly to the lack of the proper means to combat it. In industrial zoning, one recognizes a conception of nuisance as applied to certain industries existent twenty-five or more years ago. Conditions that were undoubtedly the cause of just complaint in the past in many industries are not necessarily existent today. Industries cannot be regarded as nuisances *per se* if these industries are not nuisances in fact.

IMPROVEMENT THROUGH ABATEMENT

Zoning also purports to protect residential districts from the ill effects of industries by segregating industry into unrestricted nuisance districts. Such classification cannot benefit a residential district materially as long

as nuisance obtains in an industrial district. The only way in which conditions can be improved or residential districts benefited is by abating nuisance. Further, the fact is entirely overlooked that one industry may cause infinite damage to other industries in an industrial district. Many cases can be cited where the manufacture of chemical products would be practically impossible in the presence of well-known atmospheric pollution. It is, therefore, imperative that legislative means should be provided whereby residential and industrial interests shall be mutually protected.

The idea that industry cannot be conducted profitably without creating dusts, fumes, odors, noxious gases, or offensive liquid wastes, is erroneous. Some of the largest and most prosperous industries in America today are conducting business without creating nuisance of any kind. Smoke, fumes, smells, noxious gases, or offensive liquid wastes are not synonymous with progress or sound business principles. The elimination of every form of waste is one of the objects of scientific management, and the idea that it is an advantage for an industry to maintain a public nuisance has no scientific basis in fact. Progressive business firms no longer tolerate nuisance as it is regarded as a stigma on the conduct of business.

Industry is not imperilled or in danger of being closed down if it adopts the best means known to the art for conducting business. There has never been an industry closed down in the history of this country, or its existence imperilled under those circumstances. Such a conception is preposterous, yet it is entertained and nourished in high financial and legal circles. Many instances can be cited in which industries have been induced or compelled to adopt the best practical means known to the art and have profited immeasurably by so doing. If this were not the history of industrial progress, the chemical engineer and physicist would have no place in industry. These sciences, however, are the cornerstones of industrial progress, and in connection with nuisance, the application of scientific principles will provide the answer for all such problems.

OBJECTIONS TO ZONING

The segregation of industries into groups on the basis of nuisance is subject to the following objections:

(1) There is no scientific basis in fact for classifying industries into groups on the basis of nuisance, as heretofore enacted in zoning ordinances.

(2) Zoning legislation as applied to the segregation of industries does not protect industry nor the public generally.

(3) Zoning legislation does not provide a remedy for abating nuisance, and consequently fails to realize the potential possibilities of zoning by improving industrial and residential conditions, or, in other words, the betterment of health or general welfare.

There is no scientific basis for differentiating between industries as to degree of nuisance. Such an effort to discriminate between nuisances, or degree of nuisance, is futile because adequate standards for such a purpose are not known. Many industries are classified as nuisances in zoning ordinances, which are being conducted by certain manufacturers without creating any nuisance whatever. If an industry can be conducted profitably by one manufacturer without creating nuisance, it is evidence that other manufacturers in the same kind of industry can adopt similar nuisance abatement methods. The mere implication that an industrial district is

a nuisance district is injurious to contiguous property and also to the district itself. There are no industries which can be scientifically designated as nuisances *per se*. This implication embodied in zoning ordinances is incorrect and demoralizing. Nuisance is attributable chiefly to the neglect on the part of industry to apply adequate methods for the purpose of controlling the emission of dusts, fumes, odors, noxious gases, or offensive liquid wastes.

Industries are not protected by being segregated into groups. They are still subject to state and municipal laws pertaining to nuisance. It is possible that zoning of industries may create a false sense of security in the minds of manufacturers. Zoning does not provide immunity from the laws of nuisance in cases where the best practical means known to the art are not applied.

COMPEL INDUSTRIES TO ABATE THEIR NUISANCES

Legislation pertaining to the zoning of industry should at least provide means for realizing its constitutional purpose. The alleged purpose of industrial zoning is to promote health, safety, morals, or general welfare. Those are the constitutional grounds empowering municipalities to regulate industry for purposes above designated. Yet regulations contemplating the control of nuisance caused by dusts, fumes, odors, noxious gases, or offensive water-carried wastes, are not incorporated in any zoning legislation yet enacted.

Then how may the constitutional purposes of zoning be realized as applied to industry, and at the same time promote the best interests of residential and other zoned districts? This can be accomplished by a municipality requiring that industries shall secure a permit to conduct business. The permit shall not be issued by a municipality unless the industry or business shall employ the best practical means known to the art for the abatement of dusts, fumes, odors, noxious gases, or water-carried offensive wastes, as determined and approved by the duly appointed authorities of the municipality.

The use of the best practical means in any art is an advantage to industry. That conclusion is axiomatic. Further, the adoption of such best practical means known will abate almost all nuisances and consequently benefit residential interests and other industrial interests. Therefore, a dual purpose mutually advantageous would be realized. That is, the best possible interests of industry and residential districts would thus be served.

THE NEGRO IN CHICAGO POLITICS

BY RALPH JOHNSON BUNCHE
Graduate School, Harvard University

The story of increasing participation of negroes in Chicago politics told by a member of the race. :: :: :: :: :: ::

PROBABLY no racial group in the country (unless it be the Irish) is more manifestly "political" in its everyday life than the American negro. His innate gregarious instinct together with other less natural factors, such as imposed segregation and racial consciousness, have welded him into a more or less homogeneous social unit, within which much of the activity is political. Organizations of every description are legion. They run the entire gamut from shrill sewing circles to high-toned fraternal orders, and into the life of each the negro enters with whole-hearted, wholesome zest. Critical observers often remark of him that he "has too much organization." Be that as it may, he has, apparently, a strong political urge. When this is manifested solely within his own group it is of little significance to the nation at large. But when it begins to find expression through the ballot boxes of towns and cities, as well as state and national elections, it assumes a broader and more vital importance.

The negro electorate of Chicago affords an interesting study in this respect. Any minority group which can and does control a mayoralty election in the nation's second largest municipality must be of more than passing interest to the student of political affairs. It must not be inferred from what is to follow that the Chicago negro in his political aspects is by any means an accurate barometer of the national political position of the American negro. That is not at all true, for the Chicago group is one of the most progressive of the country, economically, politically, and culturally. But it does remain an example of what favorable conditions can do to give a significant position to capable constituencies of the race.

MAYOR THOMPSON'S DEBT TO THE NEGRO

The history of the political development of the negro in Chicago is interwoven with the political career of William Hale Thompson, present Chicago executive. When Mayor Thompson was first elected in the spring of 1915, approximately 55,000 negroes were residents of Chicago. These were concentrated chiefly in the district just south of the "loop," politically designated as the second ward. Many years before, Thompson had been elected alderman from this same ward on the strength of the negro vote. In the municipal election of 1915 he was solidly supported by the same electorate—gaining a majority of more than 10,000 votes over his opponent in the negro district. He was elected, and served for two terms (until 1923), during which time the political influence of the negro population of the city began to assume important proportions. Indeed, in 1919, when Mayor Thompson was reëlected by a plurality of 21,622 votes in a total city vote of

698,920, his poll in the negro wards was 15,569 to his nearest opponent's 3,323. The negro support was consequently sufficiently strong to control the result.

It was during Thompson's first two administrations that the first negro alderman was returned to the city council, and the mayor promptly appointed him floor leader. At the same time there were three negroes appointed as assistant corporation counsels; another to a comparatively lucrative position as attorney for the traction commission; and a number of minor appointments in other city offices were made. This representation in the government of the city served to stimulate the political interest of the negro groups. The ballot was seen as an effective instrument whereby they might to no little extent select those who were to govern them and at the same time win moderate prestige for their race. Negro political leaders with actual political experience were being developed, and the war placed new power in their hands. The exodus from the South greatly augmented their population. The number of negro inhabitants in Chicago jumped startlingly from 44,103 in 1910 to 109,595 in 1920, an increase of 148 per cent, most of which occurred between 1916 and 1919. This increase virtually trebled the number of negro voters, many of whom were of the ignorant, peasant class.

LAST YEAR'S HECTIC CAMPAIGN

Mayor Thompson did not run in the 1923 election but was a candidate for a third term in the spring of 1927. The campaign and election were among the most exciting in Chicago's history. Unfortunately, the racial issue early became predominant. This was due in part to the size of the potential negro vote, which was known to be strongly in support of Thompson; and in part to the fact that some of the supporters of Mayor Dever's candidacy viciously attacked Thompson as the "negro candidate." The inevitable result was to stampede the negro vote to the Thompson banner more solidly than ever.

A good deal of vilification and scurrilous propaganda was circulated during the hectic campaign. One of the more serious occurrences was an attempt by fraudulent letter to induce large numbers of Thompson's negro supporters to attend a meeting at noon in front of the Thompson headquarters in the heart of the "loop" or business district. The evident purpose of the hoax was to increase the rapidly growing friction between the white and negro groups, perhaps even to the extent of inciting a riot. Only prompt action by negro leaders averted a grave disaster, for all of the ill-feeling engendered by the 1919 riot had not yet been dissipated. Calliopes paraded the streets piping the strains of "Bye, Bye, Blackbird." One of the many circulars displayed a trainload of negroes headed from Georgia with Thompson as pilot of the train, and the significant legend inscribed below: "This train will start for Chicago, April 6, if Thompson is elected!"

Blue skies and warm sunlight on election day and the extreme intensity of the preëlection campaign brought out a record vote. Thompson surprised political prophets by winning over Dever by a plurality of 82,938 votes. A total of 1,010,582 ballots was cast, of which 10,739 were disqualified. The particular significance of this election to the question under discussion is that by far the major portion of this plurality was gained in the "south side" or negro wards, where Thompson's majorities ran from eight to one to as high as sixteen to one. The second, third and fourth wards,

with a negro population respectively of about 98, 95 and 60 per cent,—the "strongholds of the negro vote,"—gave 59,215 votes of the Thompson plurality of 82,938.

NEGRO LEADERS SHARE GENEROUSLY IN APPOINTMENTS

With the Thompson victory and the campaign excitement abated, the color issue was flatly dropped and but scant mention was made of it by the local press, which had featured it so prominently in the preëlection ballyhoo. Interest now centered on the prospective political "house-cleaning" by the new administration. In the new city appointments negro political leaders shared generously. In general the men appointed have been from among the higher levels of the negro race, well trained and capable. One of the first to be designated was that of Bishop A. J. Carey, presiding bishop of the fifth district of the African Methodist Episcopal Church and leader of his race, as a member of the Chicago civil service commission,—a cabinet office. This commission is composed of three members, two Republicans and one Democrat, who supervise the recruiting of more than 30,000 city employees, including the members of the police and fire departments. Another prominent negro, a noted author and lecturer in his group, has been appointed as legal adviser to the city in matters pertaining to state legislation of vital interest to Chicago. Six of the best trained young lawyers of the group hold appointments as assistant corporation counsels. In the city attorney's office the negroes are represented by an assistant city attorney. Two representatives are also found as assistant attorneys for the board of local improvements. In the office of the city prosecutor are five more as assistant city prosecutors. Another, appointed as a member of the library board, with no salary, has jurisdiction over approximately 3,000 employees.

These men are all entrusted with responsible positions. As an illustration, in the office of the corporation counsel, Attorney P. B. Prescott, as assistant corporation counsel and trial lawyer in property damage litigation, represents the city in suits mounting to millions of dollars yearly. Indeed, in a case now in litigation, a sum of $1,500,000 is involved. There are approximately twenty negro investigators in the various legal departments. Additional appointments in the many city departments, as teachers, clerks, police, et cetera, run into the hundreds.

It is of especial significance to note that many of these appointees are from other than dominantly negro wards. One of the negro assistants in the corporation counsel's office has residence in a ward of which the negro voters number approximately 1,500 out of a total registered vote of 30,000. Another, attorney to the board of local improvements, is likewise from a district in which the negro voters represent only about one-seventh of the resident vote; a third, in the city prosecutor's office, hails from the aristocratic "silk-stocking" sixth ward. Many similar appointments have been made. All of the negro political representation in Chicago is not, however, by appointment. In the two strong negro wards, the second and third, the majority group has elected two of its own members as aldermen. A negro municipal court judge with a salary of $10,000 has also been nominated and elected.

THE NEGRO IN THE STATE GOVERNMENT

The natural result of this stimulated political activity found its expression

in an increased interest by negroes in state political affairs. It can, undoubtedly, be not inaccurately stated that Cook county, embracing Chicago and the neighboring towns, has more negroes filling responsible political positions than any other community in the country. The same statement is true of the state of Illinois. Four negroes have been elected to the lower house of the Illinois state legislature and one state senator. State appointments have been numerous. A negro serves as the governor's appointee on the powerful Illinois industrial board, which controls the workmen's compensation awards. Another serves as state commerce commissioner, one of a commission of seven members, controlling all public utilities and state commercial enterprises.

It can scarcely be disputed that the negro is receiving comparatively excellent political representation in Chicago, Cook County, and Illinois today. That the quality of the negro representatives is of the best is a question often disputed. It can, however, be safely stated that the present political representatives, both elective and appointive, of the negro race in Illinois are from among the best and most intelligent members of the group. Their service has been both efficient and capable in their respective offices, as has been that of the negro workers in the other city departments.

The negro confidence, as expressed by his ballot, has often been abused. Political exploitation of ignorant racial groups of all races is an evil still not unknown to American political practice. Nor have the negro leaders always been able men and true. But even a casual survey of the present situation in Chicago must convey the impression that the negro electorate there is much more intelligent and more capably represented by its own members than at any time in the city's history.

It would seem that the growing activity and influence of the negro electorate portends a new era of negro political development. The twelve millions of negroes in this country, approximating one-tenth of the total population, must inevitably wield a more proportionate and equitable degree of influence in the political affairs —local, state, and national—of the nation. Perhaps not in this generation, nor in the next, but ultimately. Today a large proportion of the negro vote is arbitrarily deprived of the right to exercise the franchise. But such a condition cannot continue indefinitely. It is contrary to every fundamental precept of good government. Even now indications point toward a "letting down of the bars" in respect to negro suffrage in the South; and in the words of Dr. John Hope, president of Morehouse College, Atlanta, Georgia, "the negro can and will exercise his lawful franchise in the South just so soon as he develops capable political leaders."

CONNECTICUT CONSOLIDATES STATE FINANCIAL CONTROL

BY LANE W. LANCASTER
Wesleyan University

The new board of control continues the Connecticut tradition. It has little legal power but may have great influence. :: :: ::

WHAT may eventually come to be regarded as a considerable departure from traditional practice in state financial methods took place in Connecticut at the end of the last session of the legislature when Governor Trumbull approved an act creating a board of finance and control. The act may be said to have been inspired by His Excellency himself, and the ends it is designed to accomplish were set forth by him in an address before the two houses of the legislature. "We should have," he said, "even better facilities than have thus far been provided for the securing, concentrating, analyzing, and interpreting of the facts as to our financial condition and financial needs, as to the opportunities that may exist for improvements in the organization of our work and the functioning of our departments, and as to the results and cost of the work that we are doing and the services that we are rendering to the people. . . . In view of these considerations it seems to me that you would approve a plan whereby we would coördinate the functions of two of our statutory boards, the state board of finance and the board of control, and provide the facilities whereby certain data that we do not now have in usable form . . . can be made available. . . . I have in mind such things as accounting, cost finding and reporting, long-range planning, property control and the like."

A successful business man himself, the governor was recommending to the assembly changes analogous to those which he had found valuable in his own business. The suggestions were variously received and interpreted. To some it appeared that the executive was laying violent hands upon the existing system of institutional control which, though not squaring with the approved theories on such matters, has in practice given good results. Most of the executive functions of the state are in the hands of boards, all of which contain citizen members. Almost all of the institutions receiving state appropriations are managed by boards named by the governor. In such matters as purchases and contracts these latter boards are subject to no central administrative control. The state abandoned the merit system in 1921 and the personnel of the various institutions is chosen by the managing boards. Theoretically this is a bad arrangement. In practice, however, there have been few if any scandals and the state's institutions have been exceptionally well managed. Those who clung to the system of board management were critical of any change which seem to be a step in the direction of centralized control. The opinion of the assembly, however, was that the governor's plan deserved a trial.

THREE BOARDS ABOLISHED

The new act deals only with the organization of the central financial

authorities and directly makes no change in the management of individual institutions or departments. It begins by abolishing three previously existing boards which divided among them the financial administration of the state. The first of these was the state board of finance. This board consisted of the state treasurer, comptroller and tax commissioner *ex officio*, and three citizen members appointed by the governor for six-year terms, one retiring every two years. This board, together with the general assembly's joint committee on appropriations, was the budget-making authority of the state. The second board abolished by the new act was the board of control. This was composed of the governor, comptroller, treasurer and attorney-general *ex officio*. This board had power, while the general assembly was not in session, to increase appropriations to any service, where, in their unanimous judgment, an increase was necessary and in case the total of such increases did not exceed $150,000 in any biennium. The third agency abolished was the commission on state institutions. This commission consisted of the governor *ex officio* and five citizen members appointed by the governor for six-year terms. It had general powers of visitation and inspection of institutions under the state or supported in whole or part by state funds. This commission was created in 1925 and does not appear to have been particularly active during its short existence.

THE NEW BOARD

The new board of finance and control consists of the governor, who is *ex officio* chairman, the secretary of state, the treasurer, comptroller, attorney-general and tax commissioner, a commissioner of finance and control and three citizen members appointed by the governor, with the consent of the senate, for six-year terms. The first four members of the board are at present elective officers serving for two years. The tax commissioner is appointed by the governor for a four-year term. The new commissioner of finance and control will hold office for four years and receive a salary of $9,000. The three citizen members will receive $1,000 a year and expenses.

This is, of course, another board and continues the Connecticut tradition of management of public affairs by boards. But it may be a board with a difference. The distinctive feature is that the state will now have a single financial officer responsible in some sense for financial planning and performance. For the act states that the commissioner shall be the administrative officer of the board, shall give his whole time to the duties of his office and shall receive one of the highest salaries paid in the state service. While the duties of the board would seem to be mainly advisory it is quite possible that the creation of a conspicuous head will in itself go far to consolidate the financial operations of the government. The governor has made a good beginning by appointing to the post of commissioner an able business man who has a record of eight years' service in the two houses of the assembly and who enjoys the confidence of the community.

The powers of the new board are as follows: (1) To keep on file information concerning the state's general accounts and to be equipped to furnish all accounting statements relating to the financial condition of the state as a whole; (2) to inquire into the operation of the budget and the wisdom and economy of expenditures of the various departments, boards and institutions; (3) to examine each department and institution to determine the effectiveness of its policies and management,

organization and procedure, and the quality and cost of its service; (4) to devise ways and means for making in advance plans for the future needs of departments and institutions with respect to physical plant; (5) to devise ways and means of establishing and maintaining proper control of state property and equipment and to require the establishment of permanent inventory records; and (6) to prescribe the form of operating reports to be required from the various departments, boards, commissions, institutions, and agencies supported in whole or in part by the state, and to take such action as may be considered necessary to remedy unsatisfactory conditions disclosed by such reports.

DEFECTIVE IN THEORY, MAY WORK IN PRACTICE

By nearly every theoretical test which the books apply the Connecticut plan would probably fail. The members of the new board are in no effective way subject to the control of the governor since their choice is by various means, their terms of different lengths and in some cases the terms overlap. The board would seem to have no mandatory power to establish a uniform accounting system among state agencies and no control over purchases and contracts. Being a board it is presumably not an effective budgetary authority. And, the new commissioner would seem to be the servant rather than the master of the new board.

But if experience counts for anything it would seem that Connecticut practice is not likely to square with the theory. No Democratic governor is likely to come into office and find himself saddled with a board of finance and control of Republican leanings. In fact no Democratic governor is likely soon to come into office at all. As to the internal organization of the board and its relations with the various state agencies and institutions there would seem to be little likelihood of serious difficulties. Reappointment to boards of management is the tradition in Connecticut, and the state is justly proud of the type of service rendered by unpaid officials in such positions. The business of the state is likely in the future to continue to be managed according to tacit understandings among a rather small number of officials accustomed to hold such positions. Under such circumstances any commissioner appointed is likely to be able to exert considerable influence upon the management of affairs and, if filled by men of tact and ability, the office may become one of outstanding importance.

SALARIES OF POLICEMEN AND FIREMEN IN THIRTY-FIVE CITIES, 1928

BY ESTHER CRANDALL

Librarian, Municipal Administration Service

Salary figures really mean little unless supplemented by certain directly related facts. This is especially true in the departments of police and fire. Are uniforms furnished? What are the hours of duty? Is sick leave with pay provided? Is there a pension system? The answers to all of these must be considered as supplementary factors in considering rates of pay.

In 1923, the Philadelphia Bureau of Municipal Research compiled information on the salaries and employment conditions of police and fire departments in eighteen of the largest cities in the United States. Such facts to be useful must be kept up-to-date. William C. Beyer, director of the Philadelphia Bureau, consented to the use of the 1923 report as a basis for an annual compilation. The original list has been extended to include thirty-five municipalities,—the twenty-three largest, and twelve others selected from the smaller cities. They are listed according to population based on the 1927 estimate of the United States Bureau of the Census. In the few cases, marked with an asterisk, the 1920 population is used since the 1927 estimate was not available. The order of arrangement in the tables presupposes a reasonable growth of population over the 1920 figures.

Only the uniformed force is included. The entire detective force in the police department is excluded, as well as the clerical and special services in both departments. In so far as possible, the facts are stated in the table exactly as they were reported. Policewomen are listed only as to number and salaries. The footnotes at the end of each table explain important variations in individual cities.

Definitions of positions accompanied each questionnaire sent out. Variations in titles, if duties are the same, have been disregarded. For example, it seemed of little importance that a superintendent is called a chief in some cities and in others is given a different title. We have assumed that when a position was listed under the column with the definition of duties attached, those duties were the same or comparable regardless of title. The definitions accompanying questionnaires were as follows:

Police Department

Patrolman: Under supervision, during a definite watch, to maintain order or detect violators of law. Patrol an assigned beat or post. Regulate traffic. Apprehend and arrest criminals and assist in their prosecution in the courts. Serve warrants and other police notices. Testify at hearings and in courts.

House sergeant: Under general supervision, to direct police work in a station house.

Street sergeant: Under general supervision, to direct in the field the work of patrolmen. Visit and inspect beats or posts. Report irregularities, accidents or unusual circumstances. Act for lieutenant in his absence.

Lieutenant: Assist in supervision and, in absence of the captain, to act as commanding officer.

Captain: Under general supervision of assistant superintendent, responsible as commanding officer of a police company for the preservation of peace and prevention of crime, and enforce-

ment of laws and orders in an assigned district. Protect life and property. Assign instructions, discipline, and be responsible for the work of subordinates. Responsible for safety of prisoners, their appearance for trial, etc.

Assistant superintendent: Under general supervision, to assist the superintendent in the administration of the police department.

Superintendent: Administrative supervision of the police department and responsible for maintenance of order, prevention of crime, and enforcement of laws. Designate the work of the personnel. Make all reports, maintain general discipline of subordinates.

Surgeon: Under general directions, to perform difficult surgical operations in the service of the police department and perform related work as required.

FIRE DEPARTMENT

Hoseman and ladderman: Under immediate supervision, to attend fires and assist as directed in extinguishing them and in saving lives and property. Perform related work as required, such as taking care of quarters, etc.

Steam or auto engineer: Under supervision, to drive and take care of motor apparatus.

Lieutenant: Under direction of captain, to command a fire-fighting platoon during an assigned shift. To attend fires and lead and work with men as directed. To be responsible for instructions, examination, deportment, efficiency, etc., of a given platoon. To assist captain in maintaining discipline. To be responsible for company records, etc.

Captain: Commanding officer, to be responsible for fire station and for fire-fighting efficiency and operation of a fire company. Responsible for attendance, instructions, examination, discipline and work of the company and maintenance of equipment. Requisitioning and disposal of supplies and properties. Immediate charge of the first platoon.

Battalion chief: Under general direction, to be responsible for fire fighting efficiency in a battalion district. Command the operations of fire companies in the district. Make periodic inspections of records, apparatus, quarters, men and equipment. Instruct personnel.

Deputy chief engineer: Under direction, to assist in supervising the care, maintenance, repair and reconstruction of steam motor and chemical fire engines, water towers, trucks and other fire-fighting apparatus. To aid in instruction and examination of men in the operation of fire apparatus.

Chief engineer: General command of entire fire-fighting service.

Tables I and II deal with police departments, and tables III and IV, with fire departments. Salaries and number of employees in each position are given in tables I and III and conditions of employment for all positions in tables II and IV.

The rates of pay appear by the year, month, week or day as reported by the respective cities. To save space the specific period covered by each rate has not been given but will be obvious from the rate itself.

TABLE I—

Name of city and population (1927 estimate) * 1920 census	Patrolman		House Sergeant		Street Sergeant		Lieutenant		Captain	
	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay
New York 5,970,800	15,853	$1769 to $2500 [1]	1027 [2]	$3000			570	$3500	120	$3850 $4500 [1]
Chicago 3,102,800	4800	$2140 to $2500 [3]	599 [2]	$2900			140	$3200	55	$4000
Philadelphia 2,035,900	4295	$1400 per yr. to $5.50 per day [5]	96	$2050	119	$2100	43	$2400	22	$2600
Detroit 1,334,500	2610 [6]	$2000 to $2520 [6]	155 [2]	$2710			84	$2960	8	$3480
Cleveland 972,500	1200	$1800 to $2419.68 [7]			126	$2613.60	61	$2746.32	19	$3543.36
St. Louis 839,200	1550 [9]	$150 and $180 [9]	3	$216.66	136	$216.66	34	$250	18	$285
Baltimore 819,000 [11]	1350	$31.25 to $36.25 [11]	24	$41.50	151	$41.50 [11]	35	$49 [11]	13	$60 [11]
Boston 793,100	2024 [13]	$1600 to $2000			169	$2300	41	$2500	29	$3500
Los Angeles 576,673	1933	$170, $180, $190, $200			141	$225	32	$250	16	$300
Pittsburgh * 665,500	939	$1800 to $2040 [14a]	46	$2160			47	$2460	6	$3000
San Francisco 576,000	1013 [15]	$2400 and $2580	84 [2]	$2640			35	$3000	16	$3600 1 at $4000 1 at $5000
Buffalo 550,000 [17]	853	$1700 to $2000 [18]	81 [18]	$2000 to $2780 [18]			71	$2240—1st yr. $2300—2nd yr.	24	$2540 to $2780
Washington, D. C. 540,000	1188	$1800 to $2100 [19]	53 [2]	$2400			22	$2700	14	$3000
Milwaukee 536,400	817	$1920 to $2040 [21]	22	$2160	54	$2320	7	$2670	10	$2820
Newark 466,700	1005	$2100 to $2500 [22]	80 [2]	$2600 to $3000			57	$3100 to $3200	10	$3400 to $4000 [22]
Minneapolis 447,700	324	$1800 to $2040 [23]			18	$2160	18	$2280	8	$2400
New Orleans 424,400	377	$125			13	$143.75			16	$187
Cincinnati 412,200	500	$1500 to $1860 [25]			33	$2200	33	$2400	7	$3300
Kansas City, Mo. 383,100	401	$125 to $150 [26]			41	$175 and $200 [26]	2	$200	11	$250
Seattle 375,300	465	$160 to $180 [17]			33	$200	10	$220	8	$250
Indianapolis 374,300	425	$1916.25			33	$2182.50	13	$2382.50	6	$2582.50
Rochester 324,500	375	$2100			22	$2415	8	$2625	8	$2835
Jersey City 321,500	765	$2100 and $2500 [30]	38 [2]	$3000			73	$3200	12	$4100
Akron * 208,435	142	$1800 to $2079 [31]	2	$2257.50	8	$2257.50	5	$2394	4	$2772
Toledo 305,400	334	$2400			18	$2730	6	$2880	6	$3090
Portland * 258,288	302	$160 to $198	6	$208	19	$208	10	$220	6	$250
Columbus, Ohio 291,400	313	$150 to $160			4	$175 to $185	5	$191 to $195	4	$200 to $210
St. Paul 250,100	225	$126.40 to $193.20			16	$158.20	5	$174	5	$200
Syracuse 197,000	300	$1800 to $2040 [34]	12 [2]	$2140			3	$2290	8	$2740
Dayton 180,700	155	$160			15	$190	3	$250	3	$210
Des Moines 148,900	77	$145 and $160	2	$170	2	$170	3	$175	3	$185
Trenton 136,700	175	$1750 to $2200			9	$2450	7	$2600	5	$3400
Fall River 132,600	174	$4.50 and $5.50			1 day 5 night	$2250	11	$2400	6	$2700
Wilmington 126,400	120	$1644 to $1752 [37]	3	$2100	11	$2100	1	$2304	5	$2604
New Bedford 119,539	231	$5.50	9	$6.05	8	$6.05	13	$6.87½	7	$8.03
Duluth 114,700	76	$140–$145 $150–$155 $160	7	$175	4	$175	4	$190	3	$190 to $230

MENT OF MEMBERS OF POLICE DEPARTMENT

SALARIES

Surgeon		Asst. Superintendent		Superintendent		Policewoman		Others
No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	
24	1—$6800 23—$4790	8	$5800	1	$8000	125	[4]	19 inspectors at $5400 16 deputy inspectors $5000
1	$3900	1 6	$8000 $7500	1	$10,000	31	[4]	
15	$1800 to $5000 [5]	1	$4000	1	$5500	None		84 sergeants at $2150 8 inspectors at $2700
1	$4500 [6]	1	$6000	1	$7500	35	$1800 to $2220	3 inspectors at $5000 20 inspectors at $4000
1	$3687.36	9	$3783.60 and $4416	1	$6440.16	16 [8]	[4]	
4	$291.66 and $208.33	1	$375	1	$541.66	18	$150	1 inspector at $333.33
7	1 at $1500 6 at $1000 (part time)	3	$4000 [11]	1	$4500 [11]	5	[4]	
		2	$4000	1	$7000	8	[4]	1 commissioner at $8000 1 chief inspector at $3800 22 lieut. inspec. at $2500
		1	$450	1	$500	19	[4]	2 deputy chiefs at $400
1	$4500	1	$3600	1	$5000	5	$1416	
1	$2400	1 [16]	$3600	1	$7200	3	$2400	
2	$2150 to $3060 [18]	2	$3300 to $4300 [18]	1	$5800	5	$1460 to $1700 [18]	2 inspectors 1st yr. $3600—2nd, $3800 [18]
6	$2150	2	$3500	1	$5200	23 [19]	[4]	4 inspectors at $3250
5 [21]	$1060	2	$3600	1	$6000	2	[4]	
2	$2500 to $4500 [22]	2	$4200 to $5000 [22]	1	$5200 to $6000 [22]	3	[4]	Commissioner at $4500
		1	$3600	1	$5000	5	[4 23 A]	
1	$239.56			1	$416.65	20	$87.50	
		2	$3700 to $4000	1	$6000			
3	$50 and $200 [26]	5	$200, $225 and $350 [26]	1	$416.66	None		
				1	$500	8	[4]	1 inspector at $285
3	$1500 and $1600 [28]	2	$3400 and $3600	1	$4800	17	$1916.25	
1	$3600	1	$3675	1	$4935	2	$2100	Director of police at $6500
1	$4250			1	$4500	2	$2200	
1	$1200	1	$2940	1	$4272.50			
		3	$3390	1	$4200	4	$1440, $1500 and $2730	
4	3—$1000 1—$2000	1	$312	1	$400	11 [33]	$186 to $250	30 inspectors at $220
2	$165 to $195	1	$210 to $240	1	$265 to $310	1	$140 to $160	
5	$112.50 $122.50 $134 [33]	1	$269.50	1	$4000	2	$134	
1	$1000	1	$3140	1	$4900	2		
				1	$333.33	5	$125 to $180	3 inspectors at $250
				1	$3220	2	$145 and $175	2 inspectors at $205
1	$1100			1	$4200	2	[4]	
1	$2000	1	$3150	1	$4000	2	$5.50	7 inspectors at $2400
1	$1800	1	$3300	1 [37]	$4500	3	$1308	
		1	$3517.14	1	$3850	1	[4]	
1	$105 (part time)			1	$325	1	$150	5 inspectors at $170 to $185

TABLE II—CONDITIONS

Name of city and population (1927 estimate) * 1920 census	Hours on duty per day	Hours on duty per week	Annual clothing allowance	Annual value of uniforms furnished	Reimbursement for clothes ruined on duty	Pension system
New York 5,970,800	8		None		Allowance if damaged on duty	Yes
Chicago 3,102,800	8	48	None		None	Yes
Philadelphia 2,035,900	8 [5]	56	Purchased by city	[5]	Replaced by city	Yes
Detroit 1,334,500	8	48	None		Upon recommendation of supt.	Yes
Cleveland 972,500	8	48	Material charged to men	Tailor bill—1927 $28,176.44	None	Yes
St. Louis 839,200	8	56	None		Allowed by board for value [10]	Yes [10]
Baltimore 819,000	8		None [12]		Yes	Yes
Boston 793,100	10 day 7 night	56	[13]	[13]	Yes	Yes
Los Angeles 576,673	8 [14]	48 [14]	None		None	Yes
Pittsburgh * 665,500	9		None		Replacement	Yes
San Francisco 576,000	8 [16a]	48	None		None	Yes
Buffalo 550,000	8	48 Captain 68	None		None	Yes
Washington, D. C. 540,000 [19]	8	48		$58.45	Depends on circumstances	Yes
Milwaukee 536,400 [21]	9½ day 8 night	56 and 67½	None		None	Yes
Newark 466,700	8	42 average	None		None	Yes
Minneapolis 447,700	8	56	None			Yes
New Orleans 424,400	8	56	None		Some	Yes
Cincinnati 412,200	8	56	None		None	Yes
Kansas City, Mo. 383,100	8 [26]	56 [26]	None		None	No
Seattle 375,300	8		None		None	Yes (state law)
Indianapolis 374,300	8	56	None		None	Yes
Rochester 324,500	8 [29]	48 [29]	None		None	Yes
Jersey City 321,500	8	[30]	None		None	Yes
Akron * 208,435	10 [31]		None		None	Yes
Toledo 305,400	8	48	None		Complete	Yes
Portland * 258,288	8	48	None		Act of council	Yes [10]
Columbus, Ohio 291,400	8	48	None		None	Yes
St. Paul 250,100	8	48	None		None	Yes
Syracuse 197,000	8	56	None		None	Yes
Dayton 180,700	8 [35]	48	None		None	Yes
Des Moines 148,900	8		None		Yes	Yes
Trenton 136,700	8 [36]	56 [36]	None		Damage paid by city	Yes
Fall River, Mass. 132,600	8	1 day off in 8	None		Full replacement	Yes (½ pay)
Wilmington 126,400	8 [38]			$75 [38]	Repaired or replaced by city	Yes
New Bedford 119,539	8	56	None		None	Yes
Duluth 114,700	8 [10]	[10]	$28 [10] [40]		Replaced	Yes [10]

OF MEMBERS OF POLICE DEPARTMENT
OF EMPLOYMENT

Dues	Relief fund for death, sickness, etc.	Dues	Annual sick leave with pay	Annual vacation with pay	Other leave with pay per year
2% of salary	Part of pension fund		½ salary for sick leave. Full pay if result of duty injury	18 days [1]	
4¾ % of salary	Pension fund provides both		No limit	15 days	None
1 day's pay per mo. [5]	Yes	$3.75	Discretion of chief surgeon	14 days	1 day every 3 weeks [5]
1% of salary [6]	$4000 at death or retirement	$5.00 per mo.	No provision	20 days	1 day off in 7
$6 to $15 [7]	None	None	No set rule	12 days	None
5% of salary [10]	Yes [10]	$2 per mo.[10]	No limit	2 days per mo.	None
2% of salary	Non-official assoc.	$3.12 per mo.	Discretion of police commissioner	30 days	None
4% of weekly salary [13]	Voluntary relief assoc.	$10 per yr. [13]	30 days [13]	14 days	1 day in 8 [13]
4% of salary	Yes but not by city	$1 per mo.	12 days [14]	15 days [14]	None
2½% of salary	Yes	$1 per mo. death benefit	None	14 days	24 days
$24	Voluntary and unofficial organization [16a]	$2 per mo.	Discretion of commissioner	2 weeks	52 days (one day in 7)
4% of salary	$20 per yr. for $2,000		6 mos. if injured on duty	14 days	None
2½% of salary	Death benefit	Part of pension system	30 days [20]	20 days	52 days
4⅝% of salary	Death benefit insurance	[21]	Discretion of chief	15 days	Every 8th day
2% of salary	Private organization		No specified time allowance	14 days [22]	None
1% of salary to $2 per yr.	Yes	$12 per yr.	2—15 day periods [23]	15 days	24 days (2 days per mo.)
2% of salary	Yes [24]			15 days	None
None	Yes	$12 per member	None	15 days	1 day per mo.
	Yes	$2.00 per mo.	½ pay illness; full pay injury	24 days	None
1¼% of salary	In pension system and also a private assoc.	1¼% of salary 25c per mo.	6 mos. full pay thereafter ½ pay (state law)	15 days	1 day in 8
$15	No	None	None	15 days	None
2% of salary	Private	$16.00 per yr.	6 mo. max.	14 days	1 day per week
2%	Full pay if warranted		Depends on conditions	14 days [30]	Depends on reason
$8.40 [31]	Yes	$6 per yr.	Indefinite	14 days	Every sixth day
None	Yes	$12	6 mos. with pay	12 days	48 days
½%	Yes [10]	$2 per mo.	None	15 days	
City	Yes	$4 per yr. voluntary	6 mos. for duty injury 3 mos. sickness	15 days	None
1% of salary			15 days [33]	15 days	
2% of salary	Yes		Discretion of surgeon	15 days	2 days per mo.
None	Yes	50c per mo.	21 days	12 working days	1 day in 7
1% of salary	Private $1,000 death benefit		Reasonable	15 days	
2% of salary	Yes	$1 per member each death	Half pay indefinite time	14 days [36]	26 days [36]
None	By local police assoc.	$6 per yr.	14 days [39]	14 days	45 days
1% of salary	Yes $500 at death	Members assessed at each death	No limit	7 days	None
City	No		None	14 days	None
1% of salary [10]	Yes [11]	$10 initiation $3 per yr.	30 days	14 days	4 days per mo. [10]

TABLE III—

Name of city and population (1927 estimate) * 1920 census	Fireman, Hoseman and Ladderman		Steam or Auto Engineer		Lieutenant		Captain	
	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	No.	Rate of pay
New York 5,970,800	5079	$1769 to $2500 [1]	654	$2920	508	$3400	328	$4000
Chicago 3,102,800	1700	$2140 to $2500 [2]	282	$2880	247	$2900	185	$3200
Philadelphia 2,035,900	1705	$1400 $4.50 per day [3]	41	$2050	101	$2150	99	$2250
Detroit 1,334,500	1542	$2100 [4]	112	$2700	97	$2880	93	$3180
Cleveland 972,500	759	$2070 to $231 per mo. [5]	82	$2576.16 and $2724.96 [5]	103	$2613.60	61	$2746.32
St. Louis 839,200	672	$2160	56	$2280	81	$2280	81	$2520
Baltimore 819,000	1005	$1500 to $1700 [7]	128 [7]	$1800 and $1950	100	$1875	94	$2000
Boston 793,100	1094	$1600 to $2000	44	$2100	109	$2300	75	$2500
Los Angeles 576,673	967	$170, $180, $190, $200	142	$225			193	$250
Pittsburgh * 665,500	572	$2040	92	$2220			128	$2460
San Francisco 576,000	800	$2160 to $2400 [10]	27	$2640	132	$2670	80	$2820
Buffalo 550,000	745	$2250			53	$2550	53	$2850
Washington, D. C. 540,000	679	$1800 to $2100 [11]			51	$2350	48	$2500
Milwaukee 536,400	55	$1920 to $2040 [12]	85	42 at $2280 43 at $2160	52	$2280	45	$2420
Newark 466,700	695 [13]	$2100 to $2500					94	$3000, $3100 $3200
Minneapolis 447,700	321	$170	82	$175	48	$185	44	$190
New Orleans 424,400	354	$125	12	$143.75	58	$145	61	$150
Cincinnati 412,200	391	$1500 to $1920 [13]	67	$1950 to $2000	54	$2150	56	$2200
Kansas City, Mo. 383,100	230 [19]	$1680 and $1740	105	$1800	39	$1860	39	$2010
Seattle 375,300	493	$160, $170, $175, $180	20	$160 to $220	50	$190 to $200	49	$210 to $220
Indianapolis 374,300	358 [21]	$1733.50 and $1916.25	118	$1982.50	72	$2182.50	45	$2382.50
Rochester 324,500	400	$2100			36	$2400	36	$2600
Jersey City 321,500	456	$2100 and $2500 [23]					66	$3200
Akron * 208,435	121	$1800 to $2079	4	$2205			23	$2394
Toledo 305,400	314	$2400	31 [25]	$2480 to $2560	29	$2610	30	$2730
Portland * 258,288	319	$160 to $186	56	$186 and $200	49	$203, $208	36	$215, $220
Columbus 291,400	289	$140, $160			18	$165, $170	39	$175, $185
St. Paul 250,100	250 [27]	$136.40 to $153.20	42 [27]	$153.20 $163.40			72 [27]	$153.20 to $173.60
Syracuse 197,000	332	$1800 to $2040 [28]	9	[28]	30	$2200	30	$2220
Dayton 180,700	106	$160	40	$160	30	$175	10	$190
Des Moines 148,900	138	$145 to $160 [30]			20	$175	10	$190
Trenton 136,700	185	$1750 to $2200 [31]			13	$2500	13	$2600
Fall River 132,600	155	$4.50 to $5.50 [32]			18	$5.91	17	$6.46
Wilmington 126,400	113	$1650	19	$1760	12	$1980	13	$2090
New Bedford 119,539	135	$5.50			16	$6.27	16	$6.69
Duluth 114,700	82	$135 to $160 [33]	32	$162.50	15	$175	7	$179.50

OF MEMBERS OF FIRE DEPARTMENT

SALARIES

Battalion Chief		Deputy Chief Engineer		Chief Engineer		Others
No.	Rate of pay	No.	Rate of pay	No.	Rate of pay	
86	$4790	28	$5800	1	$12,500	
56	$4000	14	$4500 to $6800 [2]	1	$8000	1 fire commissioner at $8000
11	$2650	1	$3500	1	$5500	
26	$4000	4	$4240	1	$7000	
25	$3543.36			1	$6440.16	
11	$3000	1	$3600	1	$5000	
13	$2900	2	$3800	1	$5000	
30	$3500	7	$4000	1	$5500	1 fire commissioner at $7500
19	$300	1	$450	1	$500	3—1st asst. chief at $400 5—2nd asst. chief at $350
14	$3000	2	$3500	1	$5000	
21	$4200	4	$4800	1	$7200	26 chief operators at $2520
18	$3072	2	$3786	1	$5800	
11	$3250	2	$3500	1	$5200	55 sergeants at $2200 16 others in uniform
16	$3120	2	$3600	1	$6000	
12	$3400, $3700, $4000	3	$4200, $4600, $5000	1	$5200, $5600, $6000	
7	$240	2	$300 and $275	1	$416.67	
1 [15]	$281.25	11 [16]	$218.75	1	$416.65	
8	$3000 to $3300	2	$3700 to $4000	1	$6000	
11	$2700	2	1 at $3600 1 at $3050	1	$4700	3 supts. at $2100, $2400, and $3000
11	$240 to $250	2	$265, $275, $285	1	$500	
9	$2582.50	1	$3000	1	$4800	2 asst. engineers at $3182.50 1 at $3002.50
8	$3100	2	$3675	1	$4935	
7	$4000	2	$5000	1	$6000	
		2	$2923 to $3049	1	$4350	
10	$3150	2 [25]	$3690 and $3390	1	$4200	
3	$250	2 [26]	$312 and $275	1	$400	
5	$190, $195	2	$210, $240	1	$265, $310	Supt. of maintenance at $180—$212.50
12 [27]	$154 to $223.10	1	$3504	1	$4000	1 chief inspec. at $201.25 1 asst. chief inspec. at $164.80 6 inspectors at $153.20 1 fire marshall at $173.60
9	$2740	1	$2170	1	$2740	
4	$250	1	$200	1	$4000 per year	
		4	3—$235 1—$250	1	$333	
1	$3200	3	$3400	1	$4200	
3	$2750	1	$3080	1	$3850	
2	$2310			1	$3300	
3	$2750	1	$3080	1	$3850	37 chauffeurs at $5.83 per day Chief inspec. at $46.82 per week
4	$195 to $235 [33]			1	$291.66	

TABLE IV—CONDITIONS

Name of city and population (1927 estimate) * 1920 census	Platoon system	Hours on duty per day	Hours on duty per week	Annual clothing allowance	Annual value of uniforms furnished	Reimbursement for clothes ruined on duty	Pension system
New York 5,970,800	2	9 day 15 night	84 [1]	None		None	Yes, half of pay
Chicago 3,102,800	2	24		None		None	Yes
Philadelphia 2,035,900	2	10 and 14 [3]	72	Uniform purchased	$50	Replace clothing	Yes
Detroit 1,334,500	Yes	24	By week 72 and 96	None		None	Yes (city)
Cleveland 972,500	Yes	24 [5]		Material only paid by men	$27,380.60	None	Yes
St. Louis 839,200	2 [6]	24	84 [6]	None		None	Yes
Baltimore 819,000	2	10 and 14 [7]		None		None	Yes
Boston 793,100 [8]	2 [8]	10 day 14 night		Furnished as needed			Yes
Los Angeles 576,673	2	10 day 14 night [9]	70 day 98 night	None		None	Yes
Pittsburgh * 665,500	2	10 day 14 night	70 day 98 night	None		None	Yes
San Francisco 576,000	2	10	72 day 84 night	None		None	Yes
Buffalo 550,000	2	14 night 10 day		None		None	Yes
Washington, D. C. 540,000	2	10 and 14 [11]	60 and 84		$58.45		Yes
Milwaukee 536,400	2	24		None		None	Yes
Newark 466,700	2		[13]	None		None	Yes
Minneapolis 447,700	2 [14]	10 day 14 night [14]	70 day 98 night [14]	None			Yes
New Orleans 424,400	2	10 day 14 night [17]		None		None	Yes
Cincinnati 412,200	Yes [18]	24 [18]	One week 96 hrs. Next week 72 hrs.	None		None	Yes
Kansas City, Mo. 383,100	Average 6 men to platoon	12 [20]			84	None	
Seattle 375,300	2	14 night 10 day		None		None	Yes
Indianapolis 374,300	Yes	24	84	None		None	Yes
Rochester 324,500	2 [22]	10 and 14	24	None	Rubber goods only	None	Yes
Jersey City 321,500	2	10 day 14 night		None		None	Yes
Akron * 208,435	Yes [22]	24	96 [24]	None		None	Yes
Toledo 305,400	2	48		None		Complete—$1000 in budget	Yes
Portland * 258,288	2	12	84	None		None	Yes
Columbus, Ohio 291,400	Yes	24		None		None	Yes $1000 per yr. after 25 years
St. Paul 250,100	2	10 day [27] 14 night					Yes
Syracuse 197,000	2	10 day 14 night		None			Yes
Dayton 180,700	Yes [11]	24 [29]	72 to 96 alt. weeks [29]	None		None	Yes
Des Moines 148,900	2	24		None			Yes
Trenton 136,700	2	10 day 14 night		None	[31]	None	Yes
Fall River 132,600	2	10 and 14		None		Rubber coats replaced	Yes ½ day at age of 60 after 25 yrs.
Wilmington 126,400	2	10 day 14 night	72	None	$41.70	None	Yes
New Bedford 119,539	2	12 average	84	None		None	City
Duluth 114,700	2 [34]	12 [34]	78 average [34] [35]	Yearly	$18 per yr.	Replaced	Private

MENT OF MEMBERS OF FIRE DEPARTMENT
OF EMPLOYMENT

Dues	Relief fund for death, sickness, etc.	Dues	Annual sick leave with pay	Annual vacation with pay	Other leave with pay per year
	$2000			19 days [1]	None
2½% of salary	Pension includes both		No limit	15 days	None
1 day per mo.	Death only	$1 for each death	Discretion of dept. head	14 days [3]	Off every sixth day [3]
None	$2000 death, disability, retirement	$8 per yr.	If from duty, 1 yr.	2 ten-day periods	
[5]	Private	$5 at each death	No limit	14 days	None
$24	Private		6 mo.	13 days [6]	None
[7]	Yes	$1.75 to $2.75 per month	No more than six mos.	14 days [7]	1 day in 8 [7]
4% of weekly salary	City, sickness Private, death	$2 at each death	½ pay 30 days; duty injury full pay	14 days	24-hr. shift every 5 days 24 hrs. off 6th day
4% of salary per mo.	Private	$2 per mo. $2 each death $2 semi-annually	1 yr. limit, pension thereafter	15 days	3 days per mo. [9]
2½% of yearly salary	Yes	$6 per yr.		14 days	2 days each mo.
City	Private		Duty injury limit 6 mos.	15 days	1 day in 7
4% of salary	$2500 death	$2 per death	6 mos.	14 days	1 day in 8
2½% of salary	Death	In pension system	30 days; additional for injury	20 days	52 days
4¾% of salary	$1500 death benefit	$15 a yr.	Discretion of chief	14 days	
2% of salary	Private	50c per. mo. $1.05 for each death		[13]	None
$18	Yes	In pension fund	Duty, 90 days, may be extended to 1 yr.	15 days	1 day each mo.
1% of salary	Yes	75c per mo.	No limit	15 days	None
$6 per yr.	Private	$10 per yr. $2.10 at each death	None	15 days [18]	None
None	Yes	$15	By special ordinance	15 days	None
1½% of salary	Yes	$2 per quarter	Duty injury 6 mos.	15 days	1 day off in 8
$24	None	None	None	15 days	None
2% of salary	Private	$2.40 at every death	6 mos.	14 days	None
2% of salary	Yes	None		15 days [23]	Depends on reason
			Full pay if duty injury	14 days	None
None	Yes	$6 per yr.	No limit	12 days	
1% of salary	$100 funeral expenses, 3 mos. sickness, ½ pay. Full pay 1 yr. for injury	In pension	3 mos.	21 days	None
City	Yes	Voluntary $4 per yr.	6 mos. injury on duty, 3 mos. other illness	15 days	[e] None
$1 per mo.			15 days. May be extended to 90 days	15 days	
1% of salary			No deduction	15 days	None
None	Yes	50c per mo.	21 days	14 days	None
1% of salary	Yes but not official		Reasonable	15 days	None
2% of salary; city contributes 4% of salaries	Yes	[31]	½ pay for sickness	14 days average	None
None	Private	10c per week	No fixed policy	14 days	None
1% of salary	Yes	50c per mo.	Full pay during sickness	7 days	For reasonable cause
None			None	15 days	None
$4	Same as pension		30 days	14 days	24 days per yr.

[1] Salaries: Patrolman, first 3 years, $1,769; fourth year, $1,920; first half of fifth year, $2,040; second half, $2,100; after 5 years, $2,500. Captains, 100, $4,500; 20 acting captains, $3,850.
Vacation: Patrolman, 18 days; sergeant, 20 days; lieutenant, 22 days: captain, 24 days; inspector, 26 days; deputy chief inspector, 28 days; chief inspector, 30 days.
[2] Includes both house and street sergeants.
[3] First year, $2,140; second year, $2,260; third year, $2,500.
[4] Same as patrolman.
[5] Salaries: Patrolman, first grade, 190 at $4.50 per day; 321 at $5.00 per day; 3,609 at $5.50 per day. Second grade, 175 at $1,400 per year. Surgeon, 12 at $1,800; 2 at $2,200; 1 at $5,000.
Clothing furnished patrolman: Total value, $64.70. Not all furnished each year, but only as needed. Value of clothing furnished increases with increase in rank.
Hours per day: Lieutenant, assistant superintendent and inspector, continuous. Three surgeons 8 hours and subject to call; 12 surgeons, subject to call.
Pension dues: Surgeon, 2% of annual salary.
Extra days with pay: Lieutenant, captain, and inspector, 1 day each week; surgeon, assistant superintendent and superintendent, none.
[6] Number of employees given is allowed in current budget and is slightly higher than the average number actually employed.
Patrolman receives $2,000 for first 6 months, $2,100 for second 6 months, and $2,520 after the first year.
Pension fund: City appropriates balance necessary for current requirements.
Surgeon: Department has 9 medical officers with total budget of $22,970 per year.
[7] Salaries: Patrolman, first year, $1,800; second year, $2,070; third year, $2,200.98; fourth year, $2,419.68.
Pension dues according to salary.
[8] Includes one captain with salary of $3,543.36.
[9] Salaries: Patrolman, 150 probationers, $155 per month; others, regulars, $180; chief surgeon, $291.66; 3 assistant surgeons, $208.33.
[10] Surgeon excepted.
[11] Salaries effective January 1, 1928, for patrolman: first year, $31.25 per week; second year, $33.75; thereafter, $36.25.
Salaries effective January 1, 1929; patrolman, first year, $35 per week; second year, $37.50; thereafter, $40; house and street sergeant, $46.50; lieutenant, $55; captain, $70; assistant superintendent, $4,500 per year; superintendent, $5,000 per year.
Further remuneration from 2½% to 15% of salary, according to years of service.
[12] Department receives bids and lets contract for uniforms for two years. They are then paid for by deductions from the salary of members.
[13] Number of patrolman that are allowed by law. Force clothed and equipped at cost of about $150. Replaced on average of once every 2½ years.
Pension provisions apply if service entered since February 1, 1923. If before that time, unless they choose otherwise, members remain under old non-contributing system.
Volunteer association, after 30 years' dues are waived. Benefits are $1 per day for sickness, $100 on death of wife and $1,000 to beneficiary on death of member. Sick leave, full pay for duty injury or sickness.
Extra leave: Member may for satisfactory reason absent himself without pay and may have 1 to 3 days with pay upon death in family.
[14] Hours per day and per week: "Or more" added to assistant chief; chief, continuous.
Vacation and sick leave: No specific allowance to chief.
[14a] Salaries: Patrolman, first year, $1,800; second year, $1,920; third year, $2,040.
[15] Includes 129 corporals at $2,580.
[16] Rank of captain.
[16a] Surgeon part time. Death benefit, $2,500.
[17] Salaries: To all except commissioner, deputy chief and inspectors, a bonus of $250 per year is added.
[18] Salaries: Patrolman, first year, $1,700; second year, $2,000. One chief desk lieutenant, first year, $2,540; second year, $2,780. One assistant chief desk lieutenant, first year, $2,240; second year, $2,300. 79 desk lieutenants, first year, $2,000; second year, $2,120. One surgeon, first year, $2,820; third year, $3,060; 1 assistant surgeon, $2,150. One assistant superintendent (day), first year, $3,800; second year, $4,020; third year, $4,300; 1 assistant superintendent (night), first year, $3,300; second year, $3,550; third year, $3,800. Policewoman, first year, $1,460; second year, $1,520; third year, $1,580; fourth year, $1,640; fifth year, $1,700. Others, 1 chief of traffic, first year, $2,360; second year, $2,420; third year, $2,480; 1 chief of park patrolman, first year, $2,240; second year, $2,300.
[19] Salaries: Patrolman, first year, $1,800; second year, $1,900; third year, $2,100.
Policewoman exceptions: 1 has rank of sergeant with salary of $2,400 and 1, of lieutenant, with $2,700.
Surgeon exceptions as follows: irregular hours, no clothing allowance, 3½% of salary for pension, no death benefit, 30 days' vacation, no extra days and no extra sick leave for injuries.
[20] Additional sick leave for duty injuries.
[21] Salaries: Patrolman, first year, $1,920; second year, $1,980; third year, $2,040. Surgeon, part time; superintendent general exception to rules.
Death benefit dues: Up to 32 years, $10 a year; 32 to 40 years, $15 a year; 40 to 46 years, $20 per year.
[22] Salaries: Patrolman, first year, $2,100; second year, $2,200; third year, $2,300; fourth year, $2,400; fifth year, $2,500. Sergeant, first year, $2,600; second year, $2,700; third year, $2,800; fourth year, $2,900; fifth year, $3,000. Captain, first year, $3,400; second year, $3,700; third year, $4,000. Surgeon, first year, $3,500; second year, $4,000; third year, $4,500. Assistant surgeon, first year, $2,500; second year, $3,000; third year, $3,500. Deputy chief, first year, $4,200; second year, $4,600; third year, $5,000. Chief, first year, $5,200; second year, $5,600; third year, $6,000.
Vacation: Sergeant, 16 days; lieutenant, 18 days; captain, 21 days; surgeon and chief, 1 month; deputy chief, 26 days.
[23] Salaries: Patrolman, first year, $1,800; second year, $1,920; third year, $2,040. Sick leave may, with consent of city council, be extended up to 90 days.
[23a] One patrolman at $22.80, rank of lieutenant.
[24] Sickness, one half pay for 30 days; death, one month's pay.
[25] 34 at $1,500; 95 at $1,620; 55 at $1,740; 316 at $1,860.
[26] Salaries: Patrolman, class A at $150; class B at $140; class C, $125. Street sergeant, 2 at $200; others, $175. Surgeon, 1 at $200 and 2 at $50. Assistant superintendent, 3 at $200 and 1 at each of other salaries.
Superintendent and 1 assistant superintendent are available at all times. Surgeon is subject to call.
[27] 389 at $180; 15 at $175; 55 at $170; 6 at $160.
[28] Two at $1,600; 1 assistant at $1,500.
[29] Hours: Applies only to patrolman and sergeant; lieutenant and captain, 12 hours per day, 72 hours per week.
[30] Salaries: Patrolman, $2,100 for three years and $2,500 thereafter.
Hours: Captain, surgeon and superintendent, who are callable at all hours.
Vacation: Applies only to patrolman; sergeant and lieutenant, 17 days; captain, 21 days.
Salaries: Patrolman, first year, $1,800; second year, $1,953; third year, $2,016; fourth year, $2,079.
[31] Hours: Secretary, 8 hours per day.
Pension dues: Patrolman, $8.40; sergeant, $9; lieutenant and secretary, $9.60; captain, $10.20; chief, $10.80.
[32] One superintendent at $250 per month; 1 assistant superintendent at $208; 9 operatives at $186.
[33] Surgeon, 3 at $134 per month; 1 at $122.50; 1 at $112.50. Sick leave may be extended to 90 days by department head.
[34] Patrolman: $1,800, $1,860, $1,920, $1,980, $2,040.
[35] Superintendent full time.
[36] Hours on duty: Captain and chief, 8 hours or more per day; surgeon subject to call.
Vacation: Surgeon, none; lieutenant, 16 days; captain, 18 days; chief, 21 days.
Other leave: Surgeon, none; captain and chief, 52 days.
Salaries: Patrolman, first year, $1,644; thereafter, $1,752.
[37] Superintendent of public safety (both police and fire).
[38] Except surgeon and chief.
[39] Sick leave: Restriction for patrolman, only one half pay. No pay for first 3 days' sickness.
[40] Chief and inspector, $19.

NOTES—TABLES III AND IV

[1] Salaries: Fireman, first grade, $2,500; second grade, $1,980; third grade, $1,769; fourth grade $1,769.
Hours per week: Chief excepted.
Vacation: Lieutenant and captain, 23 days; battalion chief, deputy chief, and chief, 30 days.
[2] Salaries: Fireman, probation of 6 months, $2,140; first year, $2,320; second year, $2,440; third year, $2,500. Deputy chief marshal, 1 at $6,800, 1 at $5,000, 12 at $4,500.
[3] Salaries: Fireman, first grade, 59 at $4.50 per day; 215 at $5 per day; 1,419 at $5.50 per day; second grade, 12 at $1,400.
Hours per day: Battalion chief, deputy chief engineer and chief engineer, continuous.
Vacation: Battalion chief and deputy chief engineer, 21 days; chief engineer, 1 month.
Other days off: Battalion chief and deputy chief engineer, every fourth day; chief engineer, none.
[4] Salaries: Fireman, first 6 months, $2,100 per year; next 9 months, $2,200; maximum, $2,520.
Sick leave: Within discretion of surgeon.
Vacation: No designation, whether for sickness or vacation.
[5] Salaries: Fireman, first year, 24 at $2,070; after first year, 721 at $2,419.68. 45 engineers (steam and auto); 37 assistant engineers.
Hours per day: Chief optional.
Pension dues: Fireman, $6; engineer, $8.40; lieutenant, $7.80; captain, $8.40; assistant marshal, $11.40; fire chief, $15.
[6] Platoon: Battalion chief, assistant chief engineer and chief engineer excepted.
Hours per week: Battalion chief and deputy chief engineer, 112, 48 hours on and 24 off; chief engineer, 168 hours.
Vacation: Battalion chief, deputy chief engineer and chief engineer, 20 days.
[7] Salaries: Fireman: 869 at $1,700; 73 at $1,600; 63 at $1,500. Includes 76 assistant steam and auto engineers.
Platoon: Battalion chief, deputy chief engineer, and chief, single 24 hours.
Pension dues: Appointed prior to January, 1, 1926, no assessment; after January 1, 1926, assessment according to salary.
Vacation: Lieutenant and captain, 16 days; battalion chief, 18 days; deputy chief engineer, 21 days; chief engineer, 31 days.
Extra days: Battalion chief, 1 day in 5; deputy chief engineer, 1 day in 5; chief engineer, 1 day in 7.
[8] Platoon: Chief engineer, continuous; fire commissioner excepted from all information.
[9] Hours per day: Chief engineer and assistant chiefs, continuous service.
Extra days: Chief, none; assistant chiefs, 3 days per month.
[10] First year, $2,160; second year, $2,280; third year, $2,400.
[11] Salaries: Fireman, first year, $1,800; second year, $1,900; thereafter, $2,100.
Platoon: Deputy chief engineer and chief engineer excepted.
[12] First year, $1,920; second year, $1,980; third year, $2,040.
[13] Salaries: Fireman, 113 at $2,100, $2,200, $2,300, $2,400, and 582 at $2,500.
Platoon: 1st platoon on duty first day, 10 hours, second day, 10 hours, third day, 24 hours, fourth day, 14 hours, fifth day, 14 hours, and sixth day, 24 hours, off; second platoon, on first day, 14 hours, second day, 14 hours, fourth day, 10 hours, fifth day, 10 hours, sixth day, 24 hours and off third day, 24 hours.
Vacation: 14 days for first four salary divisions of fireman; 8 days for last four. Captain, 18 days; battalion chief, 21 days; deputy chief engineer, 26 days; chief engineer, 30 days.
[14] Battalion chief and deputy chief engineer, 24 hours off and 24 hours on; chief engineer, no regulation.
[15] Called assistant chief.
[16] Called assistant chief engineer.
[17] Alternate every 3 days.
[18] Salaries: Fireman, 346 at $1,500, $1,620, $1,740, $1,860 range; 45 at $1,920 (fire chauffeurs).
Platoon: hours per day, and vacation: Battalion chief and assistant fire chief not under platoon system, off every fifth day, on duty 31 weeks, 144 hours, 21 weeks; 120 hours with 30 days' vacation. Fire chief off every seventh day, on duty 144 hours with 30 days' vacation. He is not under platoon system.
[19] First class, 175; second class, 55.
[20] Superintendents excepted.
[21] 348 at $1,916.25 and 10 at $1,733.50.
[22] Chief engineer excepted.
[23] Salaries: Fireman, $2,100 per year for first 3 years; $2,500 thereafter.
Vacation: Captain, 17 days; battalion chief, 20 days; deputy chief engineer, 25 days; chief engineer, 30 days.
[24] Chief engineer, 168 hours.
[25] 16 engineers at $2,560 per year; 15 assistant engineers at $2,480. First assistant engineer, $3,690; second assistant engineer, $3,390.
[26] One first assistant, $312 per month; 1 second assistant, $275.
[27] Salaries: Fireman, 15 at $136.40 and 235 at $153.20. Engineer, 3 at $153.20, 39 at $163.40. Captain, 3 at $153.20, 3 at $158.45, 3 at $168.95, 63 at $173.60. Battalion chief, 1 at $154, 1 at $172, 2 at $210, 1 at $217.50, 7 at $223.10.
Hours on duty: Change made every 2 weeks when men on night shift are on 24 hours straight.
[28] Salaries: Fireman and steam and auto engineers, $1,800, $1,860, $1,920, $1,980, $2,040.
[29] Except deputy chief engineer, 8 hours per day, 44 hours per week; chief engineer, full time.
[30] $145 per month first year; $160 thereafter.
[31] Salaries: Fireman, first year, $1,750; second, $1,800; third, $1,900; fourth, $2,000; fifth, $2,100; sixth, $2,200.
Uniforms furnished by city and cost deducted in installments monthly from salary.
Death benefit: Contributed by foreign insurance companies: 2 % of business done in city.
[32] First year, $4.40 per day; thereafter, $5.50.
[33] Salaries: Fireman, first year, $135; second, $145; third, $150; fourth, $155; maximum, $160. Battalion chief, first assistant, $235; second assistant, $210; third, $200; fourth, $195.
[34] Chief engineer excepted.
[35] Battalion chief, 84 hours.

CENTRALIZATION OF NEW YORK CITY GOVERNMENT—CAN IT BE MADE WORKABLE?

BY CHARLES V. POWELL

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The author believes that New York City's engineering activities are too extensive and varied to profit from departmental consolidation.

CENTRALIZATION of various New York City departments is in the air. In particular the proposition has been advanced to consolidate all of the engineering activities of the city under one chief engineer. Such is the practice in smaller cities. Would such a system, if applied to New York, effect economies in administration, and be of advantage to the public in obtaining improvements, or would a system that is applicable to a small town break down of its own weight, if adopted by a municipality of such varied activities as New York?

The city engineer of a small town deals with problems quite similar in character to those coming under the jurisdiction of the chief engineers of the various boroughs of New York City, but in addition New York is confronted with various large projects, such as water supply on an unprecedented scale, subways, monumental bridges, and traffic, each requiring a corps of engineers and specialists. Would a consolidation of the engineering departments dealing with such varied projects be of benefit, either to the furtherance of the works, to the economical use of funds, or to the benefit of the citizens in obtaining local improvements; or would such a system be too cumbersome to be of practical use?

WIDE SCOPE OF ENGINEERING ACTIVITIES OF THE CITY

Let us glance over some of the larger activities, that would need to be combined under a centralized engineering department.

The chief engineers of the various boroughs have in the aggregate supervised the paving of 2,550 miles of streets at an expenditure of $530,000,000; as well as built 2,660 miles of sewers at a cost of $140,000,000. The engineers of the board of water supply, and of the department of water supply, gas and electricity, have designed and constructed thirty-two reservoirs, furnishing 800,400,000 gallons of water daily, through 3,766 miles of pipe, at a total cost of $405,000,000. Engineers of the dock department have built 267 piers and docks, costing $110,000,000. The engineering corps of the department of plant and structures have designed and supervised the construction of fifty bridges, with lengths varying from 40 to 7,400 feet, including approaches at a cost of $130,000,000; they are now working on the plans of the Tri-Borough Bridge, which is estimated to cost $32,000,000, and are about to make borings for the Thirty-eighth Street Tunnel, which, if authorized, will cost about $56,000,000, and will connect Queens, Brooklyn,

and the east and west sides of Manhattan.

Engineers in the employ of the city have also built 213 route miles of subways, with 620 miles of tracks, at a cost of $427,000,000; and have seventeen route miles of subways, with sixty-two miles of track, to cost $166,400,000 now under way. In 1926, engineers of the building department passed on and approved of the structural design of buildings to cost $341,000,000.

TOO MUCH WORK FOR ONE MAN

To consolidate all of these engineering activities under one chief engineer would require that Thaddeus Merriman, chief engineer of the board of water supply, with its new projects, estimated to cost $370,000,000; Chief Engineer William W. Brush, of the department of water supply, gas and electricity, who has under his jurisdiction 2,200 men, 32 reservoirs, and 3,766 miles of pipes and aqueducts, reaching from the Catskill Mountains to Suffolk County, L. I.; Chief Engineer Edward A. Byrne, of the department of plant and structures, who has charge of the maintenance of fifty bridges, costing $130,000,000, as well as of the design of the Tri-Borough Bridge, and all other bridges, over navigable waters in the city of New York; Robert Ridgway, chief engineer of the board of transportation, who has been connected with subway work in New York since its inception in 1900, and who is now in charge of work actually under way to cost $166,400,000, and of additional routes planned and approved, at an estimated cost of $416,600,000 to be constructed during the next eight years, with over 1,500 engineering assistants; that the chief engineers of the various boroughs, who have charge of the construction and maintenance of thousands of miles of sewers and highways; would all be made subservient to one chief engineer, who would have charge of projects over a far-flung area, larger than the state of Rhode Island, with reservoirs in the Catskill Mountains, and harbor construction works in Jamaica Bay. He would need to be an expert in all branches of engineering, or else to delegate his authority largely to his subordinates, and confine his attention to the legal machinery of his office. Should he attempt to do his full duty, by studying each vast project, whether it be water supply, subways, or whether a certain street should have a box-shaped sewer, or one with an oval outline, he would perforce become an obstructionist in holding back great undertakings, until he could personally find time and opportunity to weigh and consider the numerous features which differentiate a good design from one that is destined to prove inadequate, or so costly as to be impracticable or confiscatory.

To consolidate the engineering departments of the city in this way would also tend to deprive the average citizen of his consultant in the humble, but in the aggregate, vastly important matters of locating his home, and in making such home accessible; and in providing it with services and facilities, such as streets, sewers, pavements, water, and fire and police protection.

To whom would such a citizen go for information and advice in such a centralized organization? Certainly, the chief engineer could not devote time to the study of local conditions in each of the five boroughs of a city of 6,000,000 inhabitants; and at the same time attend to such matters as subways, grade crossing eliminations, water supply, and arterial highways. There would necessarily be a delegation of authority to some petty functionary in most local matters; and in the shift-

ing about of personnel, incidental to the reorganization, it is to be feared that those who are at present in close touch with departmental affairs would either be lost in the shuffle, or else have their authority and prestige so hedged about or curtailed, that their usefulness, in working out plans for the benefit of the average citizen, and in pushing such plans through to the stage of actual construction, would be very much reduced.

A MEASURE OF CONSOLIDATION DESIRABLE

In stating the difficulties in the way of consolidating the engineering departments of the city into a well-knit organization, it does not follow that the principle of centralization should be dropped in its entirety, or that efforts to simplify and coördinate the different departments should be abandoned. There is doubtless overlapping of authority and duplication of work that could be eliminated in many departments, particularly those that have to do with inspection work. For example, the fire prevention bureau and the tenement house department both employ inspectors on building construction, whose work might perhaps be consolidated under one division to the advantage of the city and the benefit of the citizens.

A thorough survey, covering all phases of municipal government in New York City, would doubtless reveal many instances where bureaus could be re-grouped and duplication of activities curtailed. It is only where the suggestion is made to amalgamate such unrelated departments as those of transportation and water supply; local improvements and bridges between the boroughs; grade crossing eliminations and laying a walk, that centralization can be made to defeat its own object.

CONSOLIDATION ONCE TRIED WITHOUT SUCCESS

At the time of the consolidation of the five boroughs into the greater city of New York, in accordance with the Charter of 1897, when the population was about half of what it is today, the experiment was tried of centralizing all of the engineering work of the city, with the exception of that coming under the jurisdiction of the dock board, under the then newly created board of public improvements; and it resulted in complete failure.

In their report to the Governor, dated December 1, 1900, this thoroughly representative board, after a series of public hearings, at which a large number of citizens appeared and many suggestions were given, spoke as follows:

> It is clear that the vast territory comprised within the present City of New York, embracing as it does, districts so essentially different as the crowded east side of Manhattan and the rural districts of Queens and Ridgewood demands some subdivision and some degree of local autonomy. How far and in what respect the powers of administration in the various departments of the city government should be centralized, and how far they should be vested in the city authorities of each borough, are questions which have demanded and received our most careful attention.
>
> The present (1897) Charter centralizes all of the departments which deal with the public works of the city and unites them in a Board of Public Improvements. In this respect, the Commission is satisfied that the scheme of the present (1897) Charter has proved most unsatisfactory in its workings, more especially with regard to Boroughs other than Manhattan.

Accordingly the commission drafted amendments which transformed the charter into its present form by incorporating provisions

(1) Abolishing the centralized board of public improvements and trans-

ferring its functions to the borough presidents, the local boards and the board of estimate and apportionment.

(2) Abolishing the centralized departments of sewers and highways, which had jurisdiction throughout the entire city, and transferring their functions to the presidents of the several boroughs.

(3) Enlarging the powers of the local improvement boards by providing that the resolutions of such boards, if approved by the president of the borough, and the board of estimate and apportionment, shall be all that is necessary in order that proceedings for a local improvement shall be begun.

(4) Decentralizing the department of buildings by establishing a bureau of buildings in the office of each president of a Borough.

The wisdom of this highly competent commission, which drafted amendments to the charter embodying these recommendations, under which the government of New York has functioned since 1902, has been amply vindicated by the results achieved in the growth and prosperity of each of the five boroughs of the city, and in the contentment of the citizens with the large measure of self-government which they have thereby achieved.

COÖPERATION BETWEEN THE FEDERAL AND STATE GOVERNMENTS

BY JAMES D. BARNETT
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The future will increase rather than decrease the scope of federal power. :: :: :: :: :: :: :: :: ::

UNHAPPY experience with the feeble central government under the Articles of Confederation induced an organization in the Union that could "execute itself."[1] "Undoubtedly, it was the purpose of the Constitution to establish a general government independent of that of the state governments—one which could enforce its own laws through its own officers and tribunals, and this purpose was accomplished."[2]

Although the movement toward the substitution of state for local authorities seems to be world-wide, in "dual" governments generally a considerable dependence of the Union upon the component states has been preserved. In Germany, old and new, in Switzerland, in Canada, to a less extent in Australia, the Union is largely dependent upon the judicial and administrative machinery of the states; and this is peculiarly significant because of the fact that in these countries there is greater legislative centralization than in the United States.

However, so far as independence is essential, a potential independence (guaranteed by the constitution) is not impaired by the maintenance of an *actual* (voluntary) interdependence.[3] So when the constitution was created

[1] Elbridge Gerry (1787), M. Farrand, *Records of the Federal Convention*, vol. 1, p. 474 (1911).

[2] *United States* v. *Jones*, 109 U. S. 513, 27 Law. Ed. 1015, 1017 (1883).

[3] *Cf. United States* v. *Jones*, 109 U. S. 513, 27 Law. Ed. 1015, 1017 (1883).

it was expected that the instrumentalities of the states would be largely used as agencies of the Union. As a matter of fact, from the very first congress the Union has been, to an increasing extent, partially "disfederated" through its use of the states' legislative, judicial, and administrative departments. This has been balanced by a similar use, to a much less extent, of federal agencies by the states. Partnerships also, in distinction from agencies, have been established.

II

LEGISLATION [1]

Various acts of congress have practically effected a redivision of labor between the Union and the states and enlarged the "self-government" of the latter, such as those permitting the taxation of national banks otherwise exempt from state interference, averting the consequences of the "original package" doctrine and subjecting interstate shipments of original packages of liquor to state regulation, and forbidding the shipment of liquor from "wet" to "dry" states. Somewhat different in purpose are the federal statutes applying the state election laws to federal elections, and assimilating process of federal courts to that of the state courts.

On the other hand, confusion within the state is likewise reduced by the states' adoption of federal court procedure, adoption of the Volstead law, or the federal pure food law.

The technical delegation of legislative power, forbidden by constitutional law, is at times clearly averted in this connection by the legislative adoption of a statute as now existing with no regard to its future amendment. But regard to future action also is necessary in order to avoid the necessity of repetition of adoption, and thus often legislative power is practically delegated by the one legislature to the other or others. However, although the accepted doctrine in regard to the unconstitutionality of the delegation of legislative power has never been expressly repudiated by the courts in this connection, but at times has been clearly stated and strictly applied, more often there have been attempts to avoid a conflict with the doctrine by artificial logic, or the theory has been utterly ignored. Likewise the courts are inclined to cover over the constitutional difficulty involved in a state legislature's adoption of a federal statute (not infrequent) by *reference*.

In dealing with matters over which congress and the state legislatures have concurrent jurisdiction in the absence of federal legislation the state legislatures are in a way the agents of the Union.[2]

The states act as agents of the Union in legislation to an increasing extent in appropriating the funds and providing for the administration demanded, with varying degrees of specification by congress as a condition of grant of federal money (or service) in activities over which congress has not direct control, or not adequate control, but which it desires to stimulate in the states—agricultural education and experimentation, vocational education, forestry, highways, the militia, etc. This subordination of the states to federal control is technically "voluntary," but non-conforming states are virtually fined for the benefit of the rest; and this is one of the causes for

[1] *Cf.* J. D. Barnett, "Delegation of Legislative Power by Congress to the States," *American Political Science Review*, vol. 2, pp. 347–77 (1908); "State Legislation Adopting Federal Standards," *Columbia Law Review*, vol. 23, pp. 674–8 (1923).

[2] A. N. Holcombe, "States as Agents of the Nation," *Southwestern Political Science Quarterly*, vol. 1, pp. 316–7 (1921).

a very general acquiescence. This does not apply to cases where the state receives no compensation, but acts merely upon the advice of the general government, as in legislation regarding vital statistics and automobile traffic.

III

JURISDICTION [1]

Although the prevailing opinion in the Constitutional Convention favored the creation of a complete hierarchy of federal courts, there was opinion "that the state tribunals might and ought to be left in all cases to decide in the first instance, the right of appeal to the supreme national tribunal being sufficient to secure the national rights and uniformity of judgments";[2] and opposition to this form of centralization of government has recurred at various periods since—most recently in Senator Norris's proposal to abolish the lower federal courts and vest their jurisdiction in the state courts. A compromise system, suggested at the convention, whereby the Union would "make use of the state tribunals whenever it could be done with safety to the general interest," [3] has been effected by legislation beginning with the Judiciary Act of 1789.

Such legislation in form purports to confer upon the state courts, to a considerable extent, jurisdiction in cases arising under the federal law, and also "somewhat analogous" quasi-judicial power of a federal character.

As to civil cases, conflict with the principle that the power of the Union may not, except in the few cases specified in the constitution, be delegated to the states, has been avoided by the courts' regarding such legislation as the mere recognition of the principle of private international law, well known when the constitution was established, according to which "the judiciary power of every government looks beyond its own local and municipal laws, and in civil cases lays hold of all subjects of litigation between parties within its jurisdiction, though the causes of dispute are relative to the laws of the most distant part of the globe." [4] But the difficulty of delegation of authority may not be thus met in criminal cases, and hence the state courts have almost invariably refused to assume the delegated authority to execute federal criminal laws. However, some courts have been induced to assume jurisdiction upon the principle that the federal and state governments are "kindred systems . . . and parts of one whole." "The state courts are to give force and effect to a law of congress, as the supreme law of the land." This doctrine is, of course, equally applicable to civil cases, and would, logically, make jurisdiction in both criminal and civil cases compulsory.

Since the beginning of the Union federal statutes have authorized magistrates of the state to act as federal committing magistrates, and higher state courts to naturalize aliens; and other similar powers have thus been conferred upon state courts. The "quasi-ministerial" character of such

[1] *Cf.* "Administration of Federal Laws in State Courts," *Lawyers' Reports Annotated*, vol. 48, pp. 33–41 (1898); J. D. Barnett, "Delegation of Judicial Power to State Courts by Congress," *American Law Review*, vol. 43, pp. 852–68 (1909); C. Warren, "New Light on the History of the Federal Judiciary Act of 1789," *Harvard Law Review*, vol. 37, pp. 49–132 (1923), and "Federal Criminal Laws and the State Courts," *ibid.*, vol. 38, pp. 545–98 (1925); "Power of State Courts to Enforce Federal Statutes," *Yale Law Journal*, vol. 33, pp. 636–42 (1924).

[2] John Rutledge (1787), M. Farrand, *Records of the Federal Convention*, vol. 1, p. 124 (1911).

[3] Roger Sherman (1787), M. Farrand, *Records of the Federal Convention*, vol. 2, p. 46 (1911).

[4] Alexander Hamilton (1788), *Federalist*, Dawson's Ed., no. 82 (1864).

authority has been emphasized by the courts at times in order to avoid the objection to delegation of judicial power, vested in the federal government by the constitution. However, in avoiding this difficulty they come into conflict with the principle of separation of powers of government. But whatever the nature of the power, some kind of power has been thus *subtracted* from the (*granted*) power of the Union and added to the (*inherent*) power of the states. The courts base the validity of such legislation chiefly upon established usage; and, indeed, this is at present the strongest support of all the legislation here discussed affecting the jurisdiction of the state courts.

As to the policy here involved, it was well said long ago: "All the . . . arguments of expediency [of such coöperation to the contrary], such as blending jurisdictions, neglect of state duties, want of responsibility and others of the same description are of little weight." [1]

With the exception of a few cases in which the supremacy of the federal law is interpreted to render the exercise of jurisdiction both lawful and compulsory, the courts have held, either without argument, because, apparently, the matter is too clear for argument, or upon the expressly stated ground of the independent position of the states, that the exercise of jurisdiction is wholly optional with the state authorities.

Congress has never declared the state judges to be federal judges in the exercise of such jurisdiction, and the courts are in confusion as to whether this is the effect of its exercise. But of course federal judges may be appointed as such only in accord with the provisions of the federal constitution.

Apparently federal judges have never been appointed as state judges nor state judges as federal judges.

The federal courts act as agencies of the state under authority of the constitution itself when they exercise jurisdiction by reason of the residence of the parties in different states. The United States and the state practically adopt each other's courts when they deny to their respective courts jurisdiction in case of an offense against both that has been already punished by the other; and likewise when an officer of the one government having made an arrest for an offense against both turns his prisoner over to the court of the other.

The lower federal courts are somewhat assimilated to state courts under the established practice whereby the judges are invariably appointed from among the residents of the states they are to serve and owe their appointment largely to the senators or other politicians of the states.

IV

ADMINISTRATION [2]

In the third department of government, administration, there is likewise a constitutional possibility of almost

[1] *Ex parte* Rhodes, 2 Wheeler Crim. Cas. 559 (1818).

[2] *Cf.* P. H. Douglas, "Development of a System of Federal Grants in Aid," *Political Science Quarterly*, vol. 35, pp. 255–71, 522–44 (1920); W. L. Wanlass, "United States Department of Agriculture," *Johns Hopkins University Studies in History and Political Science*, vol. 38, no. 1, ch. 3 (1920); A. N. Holcombe, "States as Agents of the Nation," *Southwestern Political Science Quarterly*, vol. 1, pp. 307–27 (1921); B. A. Arneson, "Federal Aid to the States," *American Political Science Review*, vol. 16, pp. 443–54 (1922); A. F. McDonald, "Federal Subsidies to the States" (1922), and "American Subsidy System," *National Municipal Review*, vol. 14, pp. 692–701 (1925); E. W. Allen, "Co-operation with the Federal Government in Scientific Work," *Bulletin of the National Research Council*, vol. 5, part 1, no. 26 (1922); J. H. Wigmore, "President, the Senate, the Constitution, and the Executive

totally independent activity of the Union and the states. However, from the beginning of the Union there has been coöperation, and this has increased, especially in the more recent years.

Under express provision of the constitution the governors of the states perform a federal function in the extradition of fugitives from justice, and local election officers derive their authority over the election of federal officers indirectly from the constitution.

State officers have been endowed with federal functions by act of congress. Since 1789 local peace officers have thus arrested offenders against federal laws and local jailors have kept them in confinement, under orders of magistrates of the state.[1] The Selective Service Act of the Great War was carried out largely by state officers under the president's sweeping (statutory) authority "to utilize the service of any or all departments and any or all officers or agents of the United States and of the several states." [2]

Public service corporations operating a water project under license by the federal power commission must abide by the regulations imposed by the state commission. On the other hand, various federal official inspections are, under state law, accepted as state inspection.

The same principles, both practical and constitutional, apply here as in the delegation of judicial authority to the courts. But the contention that the Selective Service Act was void because of the delegation of federal power to state officials, was held to be "too wanting in merit to require further notice." [3]

Apparently there has been no federal or state legislation expressly designating the administrative officers of the one government as officers of the other. Indeed, such "blanket" appointments would, in some cases, meet constitutional difficulties.

But much coöperation between the Union and the states has been effected by the executive appointment, with or without express authority of law, of state officers as federal officers and federal officers as state officers. Thus the state foresters become federal foresters, the local health authorities federal "epidemicologists," the state employment officers federal employment directors, sheriffs deputy marshals, state prohibition officers federal prohibition officers; and other such appointments are made where the federal and state governments perform corresponding functions. On the other hand, the state governments at times appoint federal officers as state officers. Sometimes the appointment is made in

Order of May 8, 1926," *Illinois Law Review*, vol. 21, pp. 142–5 (1926); L. D. White, *Public Administration*, ch. 4 (1926); W. A. Cook, *Federal and State Administration*, chs. 4–5 (1927); *Congressional Record*, vol. 67, part 9, pp. 9922–7, 9944–5, 9982–97, 10103 (1926); part 10, pp. 10997–9 (1926).

[1] Although these peace officers are not considered, technically, to be "agents of the United States," even when acting "solely for the purpose of aiding the United States in the enforcement of its laws," nevertheless in such a case the federal courts will apply the same constitutional guaranties of the fourth and fifth amendments to the prosecution of the prisoners thus brought before them as they will when strictly federal affairs are involved. *Gambino* v. *United States*, 48 Sup. Ct. 137 (1927). Called to my attention by Professor C. W. Tooke.

[2] See especially E. H. Crowder, *Spirit of Selective Service*, ch. 5 (1920); J. H. Wigmore, "President, the Senate, the Constitution, and the Executive Order of May 8, 1926," *Illinois Law Review*, vol. 21, pp. 144–5 (1926); *Arver* v. *United States*, 245 U. S. 366, 62 Law. Ed. 349 (1918).

[3] *Arver* v. *United States*, 245 U. S. 366, 62 Law. Ed. 349, 358 (1918). See also especially *Harris* v. *Superior Court*, 51 Cal. App. 15, 196 Pac. 895, 900 (1921).

the first instance by joint action of federal and state authorities.

From an early period it has been common for states to prohibit, with much variation as to offices included, state officers from holding federal offices. Doubtless this policy was caused to some extent by a desire "to preserve the state governments free from the influence of the federal government," [1] to separate "the allegiance justly due one [power] by its officers from that due to another power," [2] perhaps "to prevent the employment of federal patronage in a state election." [3] But to some extent at least the motive was the same as that prohibiting the same person from holding two offices under the state—also common. However, in the practical construction of these limitations there has been a tendency to narrow their scope, and at times they seem to have been entirely ignored or forgotten.

There was no restriction on the part of the federal government in this matter until the issue of President Grant's sweeping order of 1873, prohibiting federal officers from holding state offices with certain exceptions. The president here avowed a belief that, "with few exceptions, the holding of two offices by the same person is incompatible with a clear and faithful discharge of the duties of either office; that it frequently gives rise to great inconvenience, and often results in detriment to the public service, and, moreover, is not in harmony with the genius of the government." [4] But later orders have increased the number of exceptions, and, apparently, no objection whatever was made to the more liberal policy until the issuing of President Coolidge's "order" of 1926: "In order that they may more efficiently function in the enforcement of the national prohibition act, any state, county, or municipal officer may be appointed at a nominal rate of compensation as a prohibition officer of the treasury department to enforce the provisions of the national prohibition act and acts supplemental thereto in states and territories except in those states having constitutional or statutory provision against state officers holding office under the federal government." [5] And it is certain that no objections would have been offered then but for the acrimonious controversy over prohibition. However, the "order" was widely attacked as "unconstitutional," "illegal," "monstrous," "extraordinary." The legal arguments deserve little consideration. The courts have never held federal and state offices to be incompatible as such, and the restrictions

[1] Quotation (1791), C. Warren, "New Light on the History of the Federal Judiciary Act of 1789," *Harvard Law Review*, vol. 37, pp. 108–9, note (1923). The restriction "might have been deemed important when it was adopted, before the working of the general and state governments had become fully understood." *State* v. *Fisher*, 28 Vt. 714, 715 (1856).

[2] *People* v. *Leonard*, 73 Cal. 230, 14 Pac. 853, 854 (1887).

[3] *Searcy* v. *Grow*, 15 Cal. 117, 121 (1860).

[4] J. D. Richardson, *Messages and Papers of the Presidents*, vol. 7, pp. 218–9. Note the interpretation of the order, *ibid.*, pp. 219–20.

[5] In *Senate Report*, no. 1048, 69th Congress, 1st Session, p. 1 (1926). See also especially *House Report* no. 1448, 69th Congress, 1st Session; *Opinion of the Attorney General*, Executive Order *in re* Prohibition Officers (1926); *New York Times*, March 25, 1926; *Congressional Record*, vol. 67, part 9, pp. 9922–7, 9944–5, 9982–97, 10103, part 10, pp. 10997–8 (1926); J. Hart, "Some Legal Questions Growing Out of the President's Executive Order for Prohibition Enforcement," *Virginia Law Review*, vol. 13, pp. 86–107 (1926); J. H. Wigmore, "President, the Senate, the Constitution, and the Executive Order of May 8, 1926," *Illinois Law Review*, vol. 21, pp. 142–5 (1926). Statute *requires* that the chief of the bureau of militia shall be a present or former member of the national guard.

noted are additional support to this view. From the standpoint of policy the chief objections were centralization of government in the Union, "compounding into one mass the state and the federal government," confusion by division of the responsibility of officers, imposition of burdens upon state officers. On the contrary, rather than encroachment upon the rights of the states it was declared to be the opposite —as "returning to the states a greater measure of that local self-government which gradually has been curtailed through encroachments of the federal authority"—a "supervised decentralization"; and it was insisted that "a man cannot serve two masters, only where the duty to the one is inconsistent with the duty to the other." But it was admitted that where the policies of the federal government and the state government are not in harmony, such appointments are inexpedient. On the whole, it was well said, the agitation about the "order" was "much ado about nothing."

In some directions coöperation between the two governments has assumed the form of division of labor among the two classes of offices rather than their "amalgamation." Thus the federal prohibition officers have, in the past, given chief attention to the larger liquor traffic, leaving to the state officers the suppression of local violations, with some assistance of federal officers —a practice conducive to discourage the shifting of responsibility from the one administration to the other. So there has been a division of labor between the United States geological survey and the state surveys.

The federal authorities have brought about much (voluntary) coördination among the state governments in the administration of highways, public utilities, health, employment, research, and the like.

Moreover, there is much joint action among federal and state authorities. Joint "raids" are made by federal and state prohibition officers, and by immigration officers and state peace officers; and joint action has long been common between federal and state health officers, etc. A number of annual conferences of the two classes of officers are held, some of very long standing. The permanent arrangement under which joint hearings and joint conferences are held by the interstate commerce commission and state public service commissions in cases affecting both interstate and intrastate commerce is most striking.[1]

There is much assistance given by federal authorities to state authorities —as in matters of education, health, charities, safety in mining, information of state crimes; and state authorities, apparently to a less extent, give similar assistance to federal authorities.

Since 1903 the grants of financial aid to the states, as noted above, have been generally conditional upon the state's acceptance of federal control over the administration engaged in the expenditure of the funds. The states have thus been "bribed" to "share their sovereignty" with the Union. "In every case the statutes virtually declare certain state officials to be agents of the national government to the extent that their relationship with the national officials is defined and established."[2] The control exercised by the national government consists, in general, of inspection, supervision, approval of standards and policies, requirement of reports, approval of appointments (rare). But in most direc-

[1] *Thirty-sixth Annual Report of the Interstate Commerce Commission*, pp. 231–4 (1923); *Thirty-ninth Report*, pp. 1–2, 271–7 (1925).

[2] B. A. Arneson, "Federal Aid to the States," *American Political Science Review*, vol. 16, p. 452 (1922).

tions the initiative has been left to the states, and the general government has not attempted to dominate over them. However, the state militias have very nearly become a part of the regular army, in times of peace as well as when called into service in time of war. Even when there is no obligation on the part of the states to accept federal control on account of receiving aid, there is, generally, national leadership in coöperative undertakings, although in some cases leadership is with the state authorities; and, in at least a very few cases, the federal officers are made the actual subordinates of the state officers.

Some of this administrative coöperation has been effected through express legislative enactment of congress and state legislatures, and some through action of the superior officers of the federal and state departments concerned, but in other cases the relations "are such as have naturally grown out of the circumstances" between subordinates of the two governments. Indeed, the coöperation may consist in the mere imitation of the federal action by the state authorities.

Of course there is no more constitutional power in congress to enforce state administrative coöperation with the federal government than judicial administration. But "in time of war nobody looks very nicely into legal subtleties," and the terms of the Selective Service Act are mandatory.[1] And, it has been urged, the relationship between the two governments is likely to be more harmonious because of the very fact that coöperation is voluntary.[2] Where the policies of the general government and state government are in conflict, friction has occurred in some cases where coöperation has been attempted, or the state has utterly refused to enter into coöperation, or it has been guilty of downright persecution of federal officers in its attempt to thwart the enforcement of federal laws unpopular in the state.[3] It is futile to urge coöperation under such circumstances.[4]

Some of this coöperation involves a centralization of control in the federal government, and this has been the chief ground of objection to its development. But where this is true, under the circumstances, in most if not in all directions, the absence of such coöperation would have invited a greater degree of centralization of control in the federal government—the more general use by the federal government of its own instrumentalities.[5] And in some cases, as indicated, there is rather created a "decentralized supervision."

There seems to be little possibility, legal or practical, of much decentralization in legislation. On the contrary, changes in economic conditions will probably increase the necessity for much further development of the scope of congressional legislation. Particularly in view of this fact it would seem desirable that the use of the state judicial and administrative authorities as agents of the Union should be extended wherever practicable.[2] There has been, apparently, little fault found with the

[1] See especially *Senate Report*, no. 1048, 69th Congress, 1st Session (1926).

[2] B. A. Arneson, "Federal Aid to the States," *American Political Science Review*, vol. 16, p. 443 (1922).

[3] J. S. Strayhorn, "Immunity of Federal Officers from State Prosecutions," *North Carolina Law Review*, vol. 6, pp. 123–46 (1928).

[4] *Cf.* H. M. Dougherty, "Co-operative Duties of the States," *University of Pennsylvania Law Review*, vol. 71, p. 9 (1922); *Hoxie* v. *New York, Etc. R. Co.*, 82 Conn. 352, 73 Atlantic 754, 760 (1909); *Mondou* v. *New York, Etc. R. Co.*, 223 U. S. 1, 56 Law. Ed. 327, 348 (1912).

[5] *Cf. ex parte* Rhodes, 2 Wheeler Crim. Cas. 559 (1818); W. G. Campbell, *United States Daily*, Oct. 12, 1927.

operation of state courts in federal matters, except, perhaps, in the naturalization of aliens; but that there are strict limitations in the "devolution" of administrative authority appears not only in the unfortunate experience of the Confederation in this direction, but also in the unsatisfactory administration of extradition among the states, abuses in the conduct of elections, failure to coöperate in the enforcement of the Volstead Act, and actual interference with federal officers. Moreover, it is significant that in spite of the ancient tradition of local self-government, the states are steadily, and necessarily, freeing themselves from dependence upon the localities for the enforcement of the law—not only subjecting the localities to increasing supervision by central authorities, but actually substituting central for local authorities.

The whole subject is of great importance and deserves very much more consideration than it has so far received.

[2] *Cf.* A. N. Holcombe, "States as Agents of the Nation," *Southwestern Political Science Quarterly*, vol. 1, pp. 324–7 (1921); C. Warren, "Federal Criminal Laws and the State Courts," *Harvard Law Review*, vol. 38, pp. 545–98 (1925).

A LABORATORY COURSE IN BUDGET MAKING

BY RUSSELL FORBES

Director, Municipal Administration Service; Lecturer on Municipal Government, New York University

An experiment in vitalizing the budget.

GLADSTONE said that "budgets are not merely affairs of arithmetic"; but they seem just that to the student after a session in most classrooms. To show the student that the budget is not merely a dull financial document, but is instead a picture of government operations representing the cost of services to be rendered by hundreds of human beings, supplies to be consumed in carrying on scores of public services, and money to be spent for the purchase of public works improvements has long been a most difficult pedagogic task. Governor Al Smith, who is perhaps without a superior in his ability to translate government into the language of the man in the street, in a public address once drew this striking budget metaphor: "What does the average family do," he said, "in planning the expenditures for the year? It decides what will be required for living expenses, and how much will be needed to meet the mortgage on the home or on the automobile, and then computes how much can be spent for needed improvements or luxuries within the range of the family income. Such is the method followed by a government in establishing its annual budget."

THE BUDGET A HUMAN DOCUMENT

Believing that the budget should be presented in the classroom as such a human document, closely related to the everyday life of the taxpayer, the writer undertook to conduct a laboratory course in budget making this year at New York University in a graduate course on problems of municipal government. The editor of the NATIONAL MUNICIPAL REVIEW has requested a description of the experiment for appraisal by other teachers of this subject and for discussion by other students of municipal administration.

The class is composed of ten graduate students, most of whom are majoring in government and who are consequently familiar with the chief problems of governmental administration. The course began, as most courses do, with classroom discussion of general budget theory. The initial sessions were based on readings discussing the origin and development of the budget idea, and budget methods described in such representative texts as Buck's *Municipal Budgets and Budget Making*, Upson's *The Practice of Municipal Administration*, and Anderson's *American City Government*.

The class was then assigned the task of formulating and adopting the 1928 budget for the hypothetical city of Hometown, N. Y. The following pertinent facts concerning Hometown were furnished by the instructor:

The size, general character and business interests of the population;
The type of government (in this case, strong-mayor);
The 1927 assessed valuation of property;
The 1927 budget;

The 1927 tax rate;

The amount of debt outstanding.

Each member of the class was appointed as the head of an operating department. Three members were also appointed, respectively, as mayor, budget director, and comptroller, and were directed to sources of information regarding the part each would play in the budget-making procedure. Each department head was assigned the task of formulating his departmental estimates of expenditures for 1928, and was allowed two weeks in which to complete it. Each student was directed to the proper chapters in Upson's *The Practice of Municipal Administration* and in Munro's *Municipal Government and Administration* for a study of the functions of his respective department, and to the Census Bureau's report on *Financial Statistics of Cities* for figures on the per capita expenditures made by cities comparable in size to Hometown (50,000 population) for the services rendered by his branch of the government. Each department head was instructed to submit his estimate according to the size, form, and expenditure classification recommended by A. E. Buck in *Municipal Finance.* The 1928 budget of Indianapolis, which closely follows Buck's classification, was made available in the library for study and consultation.

When all departmental estimates had been submitted, the instructor went over them in a private session with the mayor, budget director, and comptroller, and discussed with each in detail his rôle in the formulation of the budget. One two-hour session was then devoted to a budget hearing before the mayor and budget director in which each department head was asked to justify his requests. The class had previously examined the Detroit budget to see the changes made by the budget director, and were aware that their estimates would be subject to challenge and defense. The criticisms made by the mayor and budget director, and the explanations offered by the department heads, showed an intelligent understanding of the problems involved.

Successive sessions were then devoted to a discussion of municipal revenues and debt administration, with assigned readings in Upson's text and in Buck's *Municipal Finance.* The class thus gained an understanding of the sources of the city's income, its requirements for payment for public improvements, and the restriction imposed on its expenditures by the local tax and debt limits. At one session the comptroller reported on the state of the city's finances, presenting his estimates of miscellaneous revenues, the amount required for debt service, and the amount to be derived from a bond issue authorized at a previous referendum.

CLASS BECOMES THE CITY COUNCIL

At the following meeting, the class constituted itself the city council under the chairmanship of the president, previously appointed. The mayor presented the tentative budget and delivered a budget message in explanation thereof. Each member of council was supplied with a copy of the tentative budget, which had been prepared in summary form, with supporting schedules showing expenditures classified, respectively, by departments, and objects; income classified by sources; and showing the amount to be raised by the general property tax.

Here the personality and ability of the mayor injected into the proceedings a verisimilitude which could scarcely be excelled under actual conditions of government. In his

budget message, he pointed out that he had "made good" his "campaign promises"; that the 1928 budget and tax rate had been lowered, while the calibre of the administrative heads had been raised through the excellence of his appointments. The budget was subjected to vigorous criticism from the members of the council; it was as vigorously defended by the mayor, who occasionally found recourse to those urbane references which from time immemorial have been good vote-getters, such as "the high intelligence of the good people of Hometown"; "protecting our wives and children from disease and danger"; and "we must not deny our children every educational advantage." The council took particular exception to the proposed budget for the health department, claiming that it had been reduced too greatly over the 1927 appropriation. The tentative budget was referred to the finance committee of council which, at the following session, recommended an increase in the appropriation for the health department. The budget was then adopted by the council, with a small increase over the mayor's estimates, necessitating a slight adjustment in the proposed tax rate. The president of council, a lawyer, then drew up and presented the appropriation and tax rate ordinances, which were duly passed. The signature of the mayor ended the procedure and made the budget effective.

Meanwhile, the class had been assigned to readings on the budget-making procedure of New York City and to an examination of the 1928 budget. The final session was appropriately given over to discussion of New York City's budget and budget-making procedure, which was compared and contrasted with the budgetary procedure of Hometown.

To conduct such a course successfully places a heavy burden on the instructor. Readings must be selected carefully. The budget-making officials must be selected on the basis of their personality and training. The "labratory" must be made serious, lest the procedure become farcical. The writer believes, however, that it is very much worth while. The best proof is the testimony of several members of the class that this course has vitalized for them a subject which before had seemed abstract and unrelated to life and living, and had translated into substance what previously had been empty words.

RECENT BOOKS REVIEWED

AIRPORTS AND AIRWAYS. By Donald Duke. New York: The Ronald Press Company, 1927. Pp. 178.

This book by a first lieutenant, Air Corps, U. S. A., comprehensively answers the question, "Where do we go from here after our city has purchased or leased land for the airport?" It is one of a series of volumes in the Ronald Aeronautic Library and deals particularly with the very important matters of cost, operation and maintenance of airports and airways.

Among other subjects covered are cost and types of hangars; management of airports; lighting and servicing equipment. There is also information on the special subjects of airship hangars, mooring masts and sea plane landings.

Usually after chambers of commerce and local aeronautical societies have induced municipal officials to acquire airport sites, they calmly sit back and wait for city officials to solve the technical problems of building hangars, installing lights and making leases to private air navigation concerns. At this juncture perplexed city officials, called upon to extract additional revenues from taxpayers for this new public service, may pick up Lieutenant Duke's book and carry on the establishment of the airport in an intelligent manner. Cost data on a number of representative city airports are included.

Without detracting from the excellence of Lieutenant Duke's work, it might be suggested that his discussion on the cost of municipal airports might have been rounded out by a discussion of possible revenues. It may be predicted that as soon as air transportation becomes profitable, commercial concerns will take it over, and there is some danger that cities will give away a large part of their investment in airport facilities.

Possibly some one in the near future will examine to what extent airports may become a self-supporting public utility without discouragement to this civic enterprise.

C. A. CROSSER.

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READINGS IN AMERICAN GOVERNMENT. By Finla Goff Crawford, Ph.D. New York: Alfred A. Knopf, 1927. Pp. 800.

The task of preparing a just review of such a collection of readings as that prepared by Professor Crawford is one which could best be done by one who had himself attempted such a work. The field from which "source material" and statements of opinion may be drawn is so vast that a fair critic of the selection made would have to be equipped with the memory of Macaulay. Of this collection, however, which attempts to deal with American government, national, state, and local, it is fair to say that Professor Crawford has succeeded in being useful without being dull and that his material is alive without being superficial. It is a positive relief to learn that the editor did not feel it necessary to reprint either the bombast of Webster or the casuistry of Calhoun to explain to the student the nature of the Constitution. The collection is almost totally free of public documents which are for the most part so badly prepared as to be confusing rather than enlightening to the undergraduate. Nor does the book contain a single page from the *Congressional Record*—a wise omission in the reviewer's opinion in view of the incomprehensible nature of most congressional "debate."

Turning to the question of what the collection *does* contain, it is possible to divide the material into two classes—articles reprinted from the so-called learned journals and articles by journalists and political correspondents. Each class of materials has, of course, very definite limitations. Articles from the learned journals are likely to be careful and informing, but dull and lacking in appeal to immature students. "Stories" by the gentlemen of the press, on the other hand, often succeed in holding the interest by a gripping style which conceals that easy reliance upon half-truths which too often seems the distinctive mark of successful journalism. In this book, however, the extremes of both classes seem to be avoided.

On the other hand, it seems to the reviewer that the selection at several points might have been improved. The readings on the Party seem too few in number in view of the fundamental importance of the subject and drawn too exclusively from what we have called the journalistic type of material. The readings on the Judiciary might have been improved by the inclusion of an actual decision of the Supreme Court or some selection showing clearly how the court voids a statute. It might also have been valuable to present material on the inferior

federal courts and the relation between the state and federal judicial systems. The selections on state and local government are particularly well chosen, but one regrets the failure to include material dealing with actual administration.

LANE W. LANCASTER.

Wesleyan University.

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URBANIZATION: ITS EFFECTS ON GOVERNMENT AND SOCIETY. By John Giffen Thompson. New York: E. P. Dutton & Co., 1927. Pp. xiii, 683.

READINGS IN URBAN SOCIOLOGY. Edited by Scott E. W. Bedford. New York: D. Appleton & Co., 1927. Pp. xxxiv, 903.

For many generations philosophers and moralists have been in dispute regarding the physical and social consequences of city life. For the most part the verdict has been unfavorable. Although little scientific evidence has yet been assembled, it is encouraging to note the beginnings of a movement, at present chiefly confined to a small group of sociologists, to apply objective tests to the appraisal of urban society as substitutes for the prejudiced generalities of earlier writers.

In his preface, the author of *Urbanization* calls attention to the unsatisfactory character of much of the writing on the subject and implies that this purpose has been to treat it in a comprehensive and scientific manner. With respect to the comprehensiveness of his work there can be no question; but with respect to the application of a new technique to the problem of the city-ward movement he has not been so successful. In 618 pages he discusses the effect of urbanization upon civil and political liberty, economic freedom, democracy in ancient, mediaeval and modern times, forms of government, political activity, public spirit, political purity, efficiency of government, health and physical development, morals, religion and preparedness for war.

For the most part, the city gets the best of the argument, but the evidence is largely based upon the opinions of other writers whose methodology the author rightly criticizes. Some of his material is not relevant and his conclusions, comforting as they may be to one who is an admirer of the modern city, are too often unconvincing. While the cities doubtless deserve credit for leadership in the struggle for democracy, evidence such as that the early advocates of the initiative and referendum were of city origin does not help us in appraising the influence of the city for human freedom. The author's uncritical acceptance of early statistics relating to population, death rates, morbidity rates and the like, as bases for generalizations as to the present, also weakens his conclusions. The book is rather a digest of opinion about the city mingled with some original interpretation of history in an effort to apportion credit between town and country for contributions to progress.

Mr. Bedford, the editor of *Readings in Urban Sociology*, was formerly associate professor of sociology in the University of Chicago, and this book may be considered as one product of the leadership which the department of sociology in that university is taking in applying the technique of sociology to the problems of the modern city. It consists of more than 600 short excerpts from a variety of materials dealing with the importance of cities in history, their location and growth, city planning, streets and alleys, traffic, civic aesthetics, public health and safety, housing, community and neighborhood and the like.

The book will probably find its greatest use in college classes for which it is primarily designed. For others it will serve as an index to important articles, books and documents. Used in this manner it will be found excellent, but no general reader will be able to plow through the succession of brief snatches from a wide variety of materials. If the average man wishes to know something about urban sociology he had best make a selection of a limited number of the writings of which the book exhibits small samples and read them in their entirety.

H. W. D.

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SPECIAL ASSESSMENT PROCEDURE. Kansas City Public Service institute. 1927. Pp. 87.

Considerable public complaint of special assessments in Kansas City prompted the Public Service Institute to investigate special assessment practices in other cities. On the basis of the twenty-three replies received in answer to the Institute's questionnaire, this report aims to summarize special assessment practice in important particulars in twenty-four large cities.

The report emphasizes that Kansas City practices in the matter of special assessments differ from the practices in other cities in important respects. A particularly significant difference in Kansas City is assessing the acquisition costs of parks and playgrounds against a benefit

district, instead of following the more general practice of other cities of paying such costs from general funds or bond funds. Kansas City, unlike other cities, also uses special assessments for park and boulevard maintenance. Again in the matter of paving and repaving, none of the cities investigated follow the Kansas City practice of assessing the whole cost on the abutting property. In paying for sewers by special assessments Kansas City varies from the common practice in large cities chiefly in the extent of the assessments. The report points out that considerable injustice has resulted in Kansas City from the area method of distributing assessments for storm sewers. The report likewise condemns the Kansas City practice of paying contractors in tax bills instead of issuing special assessment bonds and paying the contractors in cash. The constitutional limitation which requires a two-thirds vote of the people in order to create indebtedness apparently precludes the adoption of the latter method.

This study is chiefly valuable in that it compiles elementary facts concerning assessment procedure and practice in twenty-four cities. It is a convenient reference report, since the information is classified both by cities and by types of improvement. This report, however, shows plainly the limitations of the questionnaire method of inquiry. It does not penetrate very far into the actualities of special assessment practices and procedure in the several cities considered.

MARTIN L. FAUST.

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A STUDY OF ASSESSMENT METHODS AND RESULTS IN COOK COUNTY. Prepared by the Joint Commission on Real Estate Valuation for the Board of County Commissioners of Cook County. 1927. Pp. 62.

This study is the first section of the formal report of the Joint Commission on Real Estate Valuation authorized in 1926 by a resolution of the board of Cook county commissioners. Five members of the board of assessors, three members of the board of review, three members of the board of Cook county commissioners, and fifteen distinguished private citizens comprise the Joint Commission. The purpose of the county board in creating the Joint Commission is set forth as follows: "To study and make recommendations to the County Board on the procedure for obtaining a scientific assessment of real property in the county, and then to continue as a joint advisory agency in directing and guiding the appraisal work and in the development of procedure for the adoption, interpretation, and effective administration of the complete plan."

In view of recent steady improvements in urban assessment methods, it seems somewhat surprising that Chicago and her surrounding areas cling to archaic methods that are very ill-adapted to modern needs. For example, in determining land assessments outside of the Loop district, the board of assessors divides the city into five districts and assigns to each assessor the task of determining unit valuations in a district. But each assessor, in determining the assessments for his district, depends upon his own sources of information and his knowledge of values in the district. Under such a decentralized arrangement, with no system of standard units or rules and formulae, and without land value maps, it is inevitable that gross inequalities and grave injustices should result. The Joint Commission has included in the report to supplement its own studies the assessment studies by the Institute for Research in Land Economics and Public Utilities at Northwestern University.

The tables showing appraisal variations are particularly significant. They indicate that there is a tremendous amount of discrimination in assessments in favor of or against thousands of property owners. This discrimination, it seems, is not territorial, nor is it particularly in favor of or against certain types of property. It is in effect in favor of or against all types and sizes of improved property in all sections of the city of Chicago. The principal weaknesses of the present method of determining building assessments are, first, that the entire system is entirely dependent upon one man; second, that it is impossible to substantiate the correctness of assessments, since there is a complete lack of information in the office files on income, rents, and operating costs of representative buildings of various types in various localities; third, that the failure to provide sufficient help made it necessary in the 1927 quadrennial assessment to copy from the prior period the large majority of building valuations.

The report concludes with a summary statement of constructive recommendations as to policy and methods in determining assessments. While these suggestions are quite elementary, their acceptance and application would tend to

correct the conspicuous shortcomings of present practices. The report has distinctive merit for the admirable succinctness with which it outlines the existing situation in the Chicago assessment procedure. While the report does not outline in detail a more scientific assessment system, it does not seem practicable to do so until there has been at least a partial recogniton of the elementary principles of scientific method.

MARTIN L. FAUST.

✠

Three City Reports.—*City of Lynchburg, Va. Annual Report for the Fiscal Year Ending January 31, 1927. Pp. 117.*—This report maintains the excellency which has characterized previous reports of Lynchburg. First of all, it is attractive. A glance at the cover compels an investigation of the content. The length of 117 pages, unfortunately, will result in much of its value being lost. The illustrative material is well chosen and properly distributed throughout the report. The table of contents, which could have been shortened, will be an aid for ready reference. A clear and complete organization chart at the beginning helps one to a clearer understanding of what follows. The letter of transmittal by the mayor adequately summarizes the accomplishments of the period covered, but the lack of recommendations for the future by either the mayor or manager is a distinct loss to effectiveness. The arrangement of material is excellent and the content is well balanced between activities. The 8″ x 11″ size does not make it as convenient for reading and filing as the conventional size of 6″ x 9″. In spite of shortcomings, however, it stands as one of the best municipal reports issued in months and, in many of the important requisites of report writing, it approaches perfection.

Town of Stratford, Conn. Sixth Annual Report for the fiscal year ending October 9, 1927. By Cariton Day Reed, Town Manager. Pp. 44.—Here is a report that gives a clear and concise account of municipal activities for a city of 18,000. One-half of the 44 pages are devoted to the auditor's report to the town council. This should have been omitted, and in its place a few brief statements included, showing the sources of money collected, what organization unit spent it, and the purpose for which it was spent. The table of contents in the front of the report is commendable, but should have been shortened for such a brief report. The letter of transmittal is well prepared and appropriately touches the high spots of accomplishment. It fails, however, to mention any recommendations for the future. These follow later in the report, but the effect is lessened for many will never find them. The lack of an organization chart, failure to emphasize important facts, scarcity and poor distribution of illustrative material are its chief faults. These are largely offset, however, by the physical makeup, the balance of material aside from the financial statistics, and the thoroughgoing manner and clearness characterizing the general presentation.

C. E. RIDLEY.

✠

Paris Spreads Out.—"Paris s'étend . . .," by Georges Benoit-Lévy, will prove valuable not only to Parisians, but to anyone studying the more radical aspects of regional planning, for this veteran propagandist has brought under one cover and correlated by application to a typical metropolis many recent but hitherto largely unrelated ideas as to the future distribution of population and its works.

Citing the increasing difficulties of communication and other city services, the mortality of trees and of people, and other metropolitan evils, he favors lineal extensions, as exemplified by "La Ciudad Lineal" outside Madrid, though probably more intensively developed than in that case, as well as isolated garden cities. For the largest of such extensions to Paris the pull of the ocean should be recognized, as it was by Napoleon when he wrote: "Paris, Rouen, Le Havre are but a single city of which the Seine is the great street."

The approach to such regional planning should be both by working down from world or nation planning and by working up from city planning. Paris itself should be limited, and its open spaces, public and private, preserved and enlarged, including a belt around it for agriculture, forests and recreation.

"Must Paris be demolished? We love it too well. Let us simply open the windows on the bountiful nature which surrounds it and give it the air of the fields."

ARTHUR C. COMEY.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

Special Assessments—Direct Liability of City.—Referring to the extended discussion of this question in the April number of the REVIEW, attention may be called to the recent decision of the Supreme Court of Iowa in *Ballard-Hassett Co.* v. *Des Moines*, 218 N. W. 20, which holds that a recital in the bond that "this bond is payable only out of the special assessment fund created by the collection of said special tax" is a reservation in favor of the city and protects the city against personal liability on the bond. This provision now required by statute is the answer of the Iowa legislature to the decision of its courts as illustrated in *Hauge* v. *Des Moines*.

✻

Municipal Ownership—Proprietary Obligations of City.—In *Vicksburg S. & P. Ry. Co.* v. *City of Monroe*, 115 So. 136, recently decided by the Supreme Court of Louisiana, the city by ordinance sought to impose the cost of constructing the crossing of its municipally owned street railway over the tracks of the plaintiff upon the latter company. The plaintiff constructed the required crossing and brought suit for the cost thereof against the city. In holding that the judgment in favor of the plaintiff should be affirmed, the court points out that in its operation of the street railway the city acts in its proprietary capacity and the same rules are applicable to it as to a private corporation. It was therefore its duty to construct the crossing in question and it is subject to a quasi-contractual liability for the work done for its benefit. Such duties imposed upon it in its proprietary capacity it may not shift to others by an attempt to exercise its governmental powers.

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Home Rule—Municipal Affairs—Maintenance of Public Library Held to Be a State Function.—In *State ex rel. Carpenter* v. *St. Louis*. 2 S. W. (2d) 713, the Supreme Court of Missouri again had before it the question of the delimitation of authority between the state and its home-rule cities. Under authority of a statute in operation for the past seven years, a portion of the municipal tax funds had been turned over to the library commission of the city for the support of the public libraries. Owing to the great increase of general city expenditures and the accumulation of a large reserve in the library fund, the fiscal officers of the defendant made no provision for the usual special library tax for 1927, and refused to pay over any of the proceeds of the general tax for such purposes, claiming that there existed no authority under the statute, as the establishment and maintenance of libraries is a purely municipal purpose for which authorization can be given only by the local home-rule charter.

In sustaining a writ of mandamus to compel the fiscal officers to turn over the funds authorized by statute to the library board, the court held that all educational activities of the city are subject to the general laws of the state and are not included within those municipal matters over which the people of the city have exclusive legislative control. The court went further and properly construed the permissive form of the statute as mandatory in effect.

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Police Power—Authority of Towns to Establish Building Lines.—An example of a tendency toward a liberal construction of the police powers of towns in Massachusetts may be found in the decision handed down by the Supreme Judicial Court of Massachusetts, on March 2, in *Slack* v. *Building Inspector of Town of Wellesley*, 160 N. E. 285. The statute confers upon towns "for the prevention of fire and the preservation of life and morals" the power to pass "by-laws consistent with law and applicable throughout the whole or any defined part of its territory" to "regulate the inspection, materials, construction, alteration, repair, height, area, location and use of buildings and other structures within its limits." Under this general delegation, the defendant passed a by-law providing that buildings of certain designated classes must be placed at least specified distances from the center line of adjacent streets. From a dismissal of a petition for a writ of mandamus to compel the inspector

of buildings to issue a permit for a building to be located nearer the street line than that authorized by the by-law, the petitioner appealed.

In affirming the decision of the lower court, the court held that the by-law has a direct bearing upon the prevention of fire and the preservation of life and morals, and therefore is a valid exercise of the police power. The power given to establish set-back lines by the exercise of the power of eminent domain, as authorized by an earlier statute (c. 462 Statutes of 1893), is held to give an alternative power to towns not inconsistent with the terms of the statute under consideration as amended by Chapter 334 of the Statutes of 1912, which added the words "height, area, location." The constitutionality of the by-law thus construed is sustained by the Supreme Court in *Gorieb* v. *Fox*, 274 U. S. 603. The bearing of this decision upon several pending questions of municipal policy is quite obvious.

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Franchise Rights—Grants in Perpetuity.—The Circuit Court of Appeals, Eighth Circuit, in *Denver* v. *Denver Traction Corporation*, 23 Fed. (2d) 287, has recently construed the franchise of the defendant to be perpetual. The ordinances granting the franchises in question placed no limit of time upon their duration and ran to the grantees and their assigns. While a general power to confer upon public utilities a franchise does not without specific delegation give a municipality power to grant an exclusive franchise, it is now held that a city under the general power to control and regulate the use of its streets may grant to a public utility a franchise in its streets unlimited as to time, and that, if the terms of the franchise show such an intention, a grantee, whose corporate existence is limited, will take a right in perpetuity. (*Owensboro* v. *Cumberland T. T. Co.*, 230 U. S. 58; *Covington* v. *South Covington St. Ry. Co.*, 246 U. S. 414.) Subject, therefore, only to the exercise of the police power or forfeiture for nonuser or misuser, the court holds that the street railway franchises granted by the city and county of Denver without express limitation as to duration are perpetual.

The plaintiff in the instant case invoked the inhibition of the state constitution against local or special laws "granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever" and the provision that no law "making any irrevocable grant of special privileges, franchises or immunities shall be passed by the general assembly." The court finds in these constitutional provisions no express prohibition against the granting by a city of easements of this character. In *Old Colony Trust Co.* v. *Omaha*, 230 U. S. 100, the Supreme Court of the United States had occasion to construe a similar clause in the constitution of Nebraska, and held that a special privilege in constitutional law is "a right, power, franchise, immunity or privilege granted to, or vested in, a person or a class of persons to the exclusion of others and in derogation of common right." So long, therefore, as no *exclusive* privilege is granted, the constitutional inhibition does not apply.

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Streets and Highways—Condemnation of Public Property Therefor.—In *New Orleans* v. *Orleans Levee District*, 115 So. 131, the Supreme Court of Louisiana had before it the question of the liability of the defendant to the city for the destruction of a road made necessary in the construction of a levee. In the extension of the levee about a mile of the boulevard along the river was taken and the right of the city to recover the cost of rebuilding was in question. In the absence of any constitutional restriction, the state may appropriate the streets of a city for other public purposes without compensation; and no right to compensation arises unless directly given by statute. A Louisiana statute of 1920 purported to impose a liability upon the levee districts either to replace roads destroyed or reimburse the municipality for the cost of replacement. The court held, however, that this provision of the statute was in direct conflict with Section 6 of Article 16 of the Constitution of 1921, which limits the liability of the levee districts to the assessed valuation of the property taken, as a highway within a city is not private property subject to assessment for taxation.

That the rule that a municipal corporation has no right to compensation where its public property is taken by the state for another public use has no application in a case where the property is taken by the federal government is affirmed by the Circuit Court of Appeals of the First Circuit in *Town of Bedford* v. *United States*, 23 F. (2d) 453. In condemning some four hundred acres of land for a veterans' hospital, a mile and a half of the town highway was cut off. While the court suggested the question whether the power to condemn the highway could exist without an express grant in the federal statute, as that point was not raised by the pleadings and

the parties had stipulated the amount of damages in event of liability, the decision was based upon the limitations against federal power imposed by the Fifth Amendment.

The application of the general rule is further illustrated in *State Highway Commission* v. *Elizabeth*, 140 Atl. 335, decided February first by the Supreme Court of New Jersey. The city sought to enjoin the State Highway Commission from condemning certain lands held by it in fee used for public purposes. Vice-Chancellor Berry in an able opinion reviews the relation of the state to the public property of a municipality and, while admitting that the delegation of such an unlimited power to the discretion of a public agency may be dangerous, holds that the legislative control is plenary and that the city should be enjoined from interfering with the action of the commission.

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Annexation—Collateral Attack.—It is well settled in the majority of the states of this country where the question has arisen that a municipal corporation may exist *de facto*, not only if erected without compliance with statutory requirements, but even under an unconstitutional statute, the latter being deemed sufficient color of authority to justify an organization and user in good faith. The fundamental requirements, however, are color of authority, an effort in good faith to organize thereunder and a user of the corporate franchises. The principal characteristics of such a corporation are that its acts are valid as to the public and all third persons and that its competency to act or the legality of its existence is not subject to any collateral attack, but may be tested only by *quo warranto* at the instance of the state itself. Even the state may be estopped to question the *de jure* character of the corporation if the legislative authority, whose mandate has been disregarded, has directly or indirectly recognized its existence or acquiesced therein for such a length of time that a judgment of ouster would cause confusion. Especially in jurisdictions where the doctrine of *de facto* municipal corporations under constitutional statutes has not been adopted, the doctrine of estoppel is of necessity freely applied as an alternative remedy. The *de facto* doctrine is applicable not only to incorporation but also to annexation of territory to municipal corporations, the annexation being regarded *pro tanto* as an incorporation. The occasional tendency of the courts to resort to the *de facto* doctrine when not justified by the facts is well illustrated by the case of *Hunt* v. *Atkinson* (300 S. W. 656), decided by the Court of Civil Appeals of Texas last November. The appeal was from a refusal of the lower court to grant a mandamus to the defendant Atkinson, county judge of Harris county, to call an election to determine whether the inhabitants of a portion of the territory of the county should become incorporated under a commission form of government, a petition to that end having been duly filed on May 27, 1925. The territory adjoined the city of Houston, a metropolis of 138,000 inhabitants, the city council of which by ordinance passed the 31st of May extended the municipal limits so as to include the lands in question. The latter act was given by the county judge as the reason for refusing to call the election. The petitioners set up that they acted under authority of the statute for creating new municipalities and that the act of the council of Dallas was null and void, as the method of annexation it followed, although given by the city's home rule charter, had been superseded by the provisions of a statute applicable to all cities of from 100,000 to 150,000 population, which made such an annexation subject to the approval of the voters of the city.

In sustaining the lower court, the Court of Civil Appeals questioned whether the general statute effected a repeal of the provision of the city charter, but realizing the weakness of this position fell back upon the *de facto* nature of the annexation and held that the petitioners had no standing to attack collaterally its validity, which could be questioned only by the state in *quo warranto* proceedings. As the statutory proceedings, for incorporation had been initiated before the adoption of the ordinance, it is difficult to see how the action of the city council was conclusive to establish the elements of good faith and user essential to a *de facto* character. (*Campbell* v. *Champion*, 138 Atl. 529, reported in this REVIEW, December, 1927, p. 796.)

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

The Service Charge Rejected in Boston Gas Rates.—In view of the efforts on the part of many gas companies to institute a "service charge" and the rather intense public opposition to this modification of gas rates, we deem it of interest to publish an opinion by the Massachusetts Department of Public Utilities accompanying an order issued February 28, 1928, which rejected a proposed consumer charge of $1.00 by the Boston Consolidated Gas Company:

This is a petition of gas consumers of the Boston Consolidated Gas Company objecting to a schedule of rates filed by the company on November 18, 1927, the proposed rates establishing a service charge of $1.00 a month, with a commodity rate of 85 cents a thousand cubic feet. It is contended by the company that $1.00 a month constitutes not more than the proportionate cost of each customer to the company of standing ready to serve the customer and that this cost ought to be borne by the customer whether or not he in fact uses any gas. It is asserted that, whereas under the present rates for gas this cost must be absorbed by what is charged for the commodity, a very large part of the customers are being carried by the rest of the customers, and as a result the company is obliged to charge the profitable customers for gas more than they should be charged. This, it is asserted, hampers the company in the development of its business, as it prevents the company from making rates to meet the competition of other fuels in the industrial field which the company could do if all customers paid to the company what it cost to serve them.

That there is a cost to the company of standing ready to serve that can be directly attributable to a customer we recognize. Thus, if the company had never connected a customer who uses little or no gas with its distributing mains, the company would save the interest, maintenance and depreciation charges upon the service pipes from the mains into the customer's premises and upon the meter therein installed. It would also save taxes upon this investment and the cost of reading the meters and keeping the customer's accounts and billing and collecting the amounts due from the customer. These costs, in our opinion, do not exceed, materially, 50 cents a month per customer. To go further involves one in the field of speculation as to what proportion of the distributing cost is due to each customer. We think it obvious that this cost is not substantially the same as to all customers. For example, a customer served by a main which runs but a short distance from the company's gas holder and which serves a large number of customers does not throw the same burden upon the company as does a customer at a greater distance from the plant who is served by a main which serves a much less number of customers. Thus, a service charge which attempts to allocate to the customers their proportionate burden of the maintenance of the distributing system must of necessity be largely theoretical and may, in its final analysis, be no more equitable than absorbing this cost in the commodity price. We do not intend to assert that a charge to the customers of a proportionate part of the cost of the distributing system or even the manufacturing plant may not at times be justified or be advisable. Practical considerations may even dictate such a method of charging. Moreover, a demand charge may often be justified. What we do think, however, is that there is no such condition confronting the Boston Consolidated Gas Company at the present time as warrants such a radical change in practice as is proposed by the company. It is unnecessary to consider the advisability of allowing a service charge covering these costs of maintenance of the service that can be directly attributed to each customer and to him alone, as the company has indicated to us that unless a service charge of 75 cents be approved it prefers to impose no service charge at all.

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The Principle of the Service Charge.—The Massachusetts commission does recognize that there is something substantial in the principle of a service charge. The difference of opinion arises concerning its application in a particular case. No doubt certain costs are dependent directly upon the number of consumers served; if the number is increased, the cost increases substantially in proportion; if decreased, the cost diminishes in proportion. These costs are directly and immediately identified with the consumers as such, without regard to the amount of gas used or to the scope of the property and the organization.

As the commission indicates, these direct and immediate costs are incurred in dealing with the consumers. They include meter reading, commercial billing, collecting, commercial accounting, and commercial supplies and expenses, to-

gether with interest or return on the meters. As new consumers are attached, these items of cost increase almost proportionately. Conversely, if the number is decreased, the cost diminishes almost correspondingly.

The Massachusetts commission places these charges at a maximum of 50 cents a month per consumer, while the company asked for a dollar charge. The difference furnished ground for the rejection of the rate proposed by the company, notwithstanding the agreement in principle. The writer has had occasion to analyze consumer service costs, and is now concerned in such a matter before one of the state commissions;—in the particular case, he finds that 30 cents per month would cover the consumer service costs involved. There would be naturally a wide range between companies operating under different circumstances. The important issue is the clear determination as to principle; the items of costs that should be included in the service charge.

In supporting the dollar service charge an effort is made to extend the scope of the costs much beyond the conception set out by the Massachusetts commission and unquestionably justified by the facts. The purpose is to include not only the direct consumer service costs, but also what may be termed "consumer job costs," and especially a substantial proportion of the fixed or non-variable costs incurred because of the physical layout of the property and the scope of operating organization. The only costs which are avowedly excluded from the service charge are those directly identified with the production of gas itself, together with the maintenance, taxes and interest on the gas-producing property.

The principle involved is perhaps best illustrated by the maintenance, taxes and interest on mains, and by general officers' salaries. When a particular line of mains has once been installed, the amount of the investment becomes a fixed sum that no longer varies either according to the number of consumers served or the amount of gas supplied. The same is true of taxes and maintenance. The question is, Shall these costs be absorbed in proportion to the relative amount of gas used, or evenly divided according to the number of consumers? Under the past rates, all of these fixed or non-variable costs have been met on a use basis, absorbed by the direct charge for gas. In the service charge proposed by the companies, a large proportion of these costs is treated as consumer charges; divided by the number of consumers, and not by the amount of gas used.

The question in any such proposal is, Why should this change be made? What inherent injustice is there in the established practice of paying these costs in proportion to use? What advance in justice is there to shift part or all of these costs on the consumer basis?

Looking at the facts from the standpoint of extremes, it appears plain that if the entire interest, taxes and maintenance of mains were divided on the consumer basis, there would be injustice to the small consumer. The small consumer—say 25 M cu. ft. a month—would be compelled to pay the same amount as the consumer of, say, 100 M cu. ft. per month. No one could defend such a result.

Conversely, however, it is difficult to see any real injustice by continuing the present extreme of requiring all consumers to contribute to these joint and fixed costs in proportion to the relative amount of gas used.

But assume any separation of these costs, partly to be provided for on the consumer basis and partly on the use basis. Any such separation is arbitrary. Suppose 50 per cent were to be apportioned on the consumer and 50 per cent on the use basis: why 50 per cent? Would not the 50 per cent element involve the same incongruity of requiring the small consumer to pay the same amount as the large consumer, without regard to the amount used? Is there any real injustice involved by providing for these charges on the use rather than on the consumer basis to the entire extent?

The same considerations apply to all the relatively fixed or non-variable costs, which are large in their relative magnitude. Take general officers' salaries: what is there unjust in the past practice of requiring consumers to pay in proportion to the amount of gas used? What justice would there be to divide these costs by the number of consumers, without regard to the amount of gas consumed? Why, indeed, is it necessary or reasonable to take in part of these costs and provide for them on the consumer basis? There is a further group of charges about which there can be a misunderstanding as to their character. They are above referred to as consumer "job costs." They include the maintenance and care of all of the company's properties installed on or in connection with the consumer's premises. On their face, these costs would appear to be

consumer service costs includible in the service charge. As a matter of fact, however, they have nothing to do with the regular monthly service upon which the service charge is predicated. They represent specific jobs performed for individual consumers, with no regularity and direct connection with the hook-up of individual consumers. This applies to all work on consumers' premises,—removing and resetting meters, and maintenance of services, gas appliances, and meters. One consumer may not have a job done on his premises for a year, another may have had two jobs in a month. Why should costs be divided on a regular monthly consumer basis when there is no direct identification with the current service? If there is to be a refinement of rates in accordance with the character of costs incurred, then these charges should be based upon the direct jobs and each consumer billed according to the actual work done for him. This would not compel the careful householder to pay the bills of the careless.

In principle the service charge is sound, but its application within a properly limited scope does not have the serious importance that has been attached to it in public discussion. While, of course, each consumer should pay the costs directly due to his personal service, actually in most cases these costs are not very great; and if they are absorbed in the general domestic rates on the use rather than the consumer basis, there is no very great injustice involved. As a matter of fact, in every system of refined rates proposed, there are involved much greater disproportions in regard to cost and rates for particular groups of consumers. For example, in any large company there may be found lines of mains which have a small utilization, and other mains with heavy utilization, and yet the cost for maintenance, interest and taxes will be the same for the two mains. Consequently, with the light utilization the cost of serving the particular consumers on that main will be high, while the cost for the highly utilized main will be low. Notwithstanding this obvious fact, there is no active proposal made to meet such inequalities between cost and rates for groups of consumers. A company must take the lean with the fat, it must serve the thinly populated section with the thickly populated region. But in respect to costs, the very fact of density of population affects directly the degree of utilization of mains and other property, and is a determinant of the unit cost of service. And yet, these differences, which are great in the aggregate, are ignored, while the relatively minor costs involved in the consumer service are magnified, and presented as a matter of major and fundamental constitutional rights.

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Dr. Wilcox.—The death of Dr. Delos F. Wilcox, on April 4, is a public loss of unusual significance. For the past twenty years he has been a leading figure—through his publications, public addresses and professional activity—in representing and promoting the public interest in the complicated problems of public utility regulation and rate-making. He was a man of unusual mental keenness and ability, with exceptional training in the particular lines to which he devoted his professional life, and was a giant for work and incessant endeavor. His sincerity was unswerving, and his life was constantly dedicated to the public. In his personal relations he was most pleasant and congenial; was generous to the extreme; and was remarkably free of the petty qualities which sometimes characterize men of high professional standing.

He was engaged professionally in many important public utility cases. In every case, he devoted himself with singular purpose to the public aspects of the issues and facts, without regard to the personal effect upon him professionally and financially. He was so thorough in his work that, as a professional man, he never was compensated according to mete. In several instances he spent large amounts of his own money, to complete investigations which had important public aspects, when the public authorities were unwilling to provide the necessary funds for the purpose. There are few Wilcoxes, indeed; none can be spared.

Dr. Wilcox, in his general mental views, was an advocate of public ownership and operation. On this point there are honest differences of opinion. Dr. Wilcox did not arrive at his position through prejudice and superficial consideration. He understood what was involved as well as anybody could, and was a master of the facts and issues.

Dr. Wilcox devoted himself with unstinted effort and with constant enthusiasm to the public solely because it was the cause in which he believed. He was little actuated by that lure of profit, which, we are sometimes told, is the only motivating force for progress.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Local Self-Government Institute, Bombay Presidency, India.—The Institute has published a *Local Self-Government Yearbook, 1928.* The yearbook contains a directory of officials of the various municipalities in the Bombay Presidency, a list of local self-government institutions of India, proceedings of the conference of the Institute held in July, 1927, vital statistics on several phases of public health work, and various contributed articles on problems of municipal administration. The results of governmental research in the United States and Canada are shown by extended quotations from *Twenty Years of Municipal Research,* published by the Governmental Research Association.

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Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since March 1, 1928:

Buffalo Municipal Research Bureau:

The Police Department: A Memorandum on the organization and work of the uniformed force of the Buffalo police department, with suggestions for increased patrol efficiency.

Municipal Research Bureau of Cleveland:

Industrial Water Supply for Cleveland: analysis of existing and possible supplies.

A Bibliography on Regional Government.

Taxpayers' Research League of Delaware:

Memorandum Concerning the Relative Advantages of Three Proposals for *Treating the Surplus in the State Sinking Fund;* submitted to the governor, secretary of state, auditor of accounts, and state treasurer.

Detroit Bureau of Governmental Research:

Arguments For and Against the City Manager Plan for Detroit; submitted at the request of the Detroit Board of Commerce.

Ohio Institute:

How Ohio Governments Spend Their Money.

St. Louis Bureau of Municipal Research:

Gasoline Tax Revenue.

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Boston Finance Commission.—Since March 1, the commission has made the following reports: Regarding the contract for construction of the new Horace Mann School in the Dearborn district; regarding comparative amount of paving done in the past ten years; regarding revised betterment order for Cambridge Street; and various reports to the governor of the commonwealth in regard to pending legislative matters.

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Buffalo Municipal Research Bureau, Inc.—The Bureau's report on its survey of the uniformed force of the police department was released April 6. Two of the local papers printed the report in full, while a summary appeared in the other paper, and all three carried complimentary editorials. The outstanding recommendations of the report were: (1) elimination of six precinct stations and rearrangement of precinct lines, (2) motor patrol for residential precincts, (3) creation of ten police booths or substations on leading roads of egress, and (4) creation of an additional platoon for peak crime hours.

The Bureau is now coöperating with a special investigating committee of council which is delving into the practices and procedures of past administrations with a view to prescribing more businesslike methods.

The survey of the park department, issued in January, 1928, claimed that Buffalo was spending $630,000 more than was necessary for annual park maintenance and operation. The budget for the park department for the fiscal year beginning July 1 has been cut $597,000 below actual expenditures for last year.

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Taxpayers' Research League of Delaware.—The League has continued its collection and study of material for the preparation of a state

finance code to be prepared in collaboration with a committee of the Delaware Bankers' Association.

It has also continued a study dealing with the cost of establishing, equipping, and operating public rest rooms in the cities and town of Delaware, Pennsylvania, New Jersey, Maryland, and Virginia, to provide information for groups interested in the establishment of public rest rooms in Wilmington and Newark (Del.).

Progress has been made in the study of the coroner's office in New Castle County, and in the League's coöperation with the public affairs committee of the Kiwanis Club to stimulate registration and voting among Kiwanians, their families, and their employees.

The League has prepared two memoranda dealing with the surplus in the state sinking fund, one addressed to the state highway department, and the other to the custodians of the sinking fund. The aim of these memoranda is to secure the absorption of the sinking-fund surplus by the cancellation of approximately $1,404,000 of outstanding state bonds.

In consequence of differences between the state board and the Wilmington board of education concerning the allotment of state school funds, the League has been requested to conduct a fact-finding study of the laws and other factors involved in the allotment of these funds for the purpose of clarifying the issue and bringing about a better understanding of the subject. The city board has approved the study, and has opened all its files and records to the League.

The mayor and town council of Milford have requested the League to make an exhaustive study of the town's fiscal administration. This study, which is now under way, involves a three-year audit of the town's accounts, a determination of the town's bonded and floating indebtedness, and the preparation and installation of a new accounting and budget procedure. Upon invitation of the board of light and water commissioners, which is independent of the town council, the League's study will include the board's fiscal administration, the revision of its accounting system, and an appraisal of the light and water plant.

At the request of the Consumer's League of Delaware, the Research League compiled information dealing with the problem of unemployment in Wilmington, and methods used elsewhere for meeting this problem.

A study has been made of the methods of selecting and compensating tax collectors and treasurers in the incorporated towns in Delaware and a preliminary report has been issued.

The League has made a preliminary study of special taxes on insurance companies and agents in Delaware, which will later be broadened to include all special business and corporation taxes.

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Des Moines Bureau of Municipal Research.—At the request of one of the district court judges, the Bureau made a report on the increases in the various accounts of the court fund during the last four years, bringing out particularly the deficits which have resulted in bond issues in 1926 and 1927.

The judges have conferred with the grand jury, urging that body to return indictments only when conclusive evidence pointed to a probability of guilt, in order to cut down the expense of court costs. They are also investigating other court expenses as to the possibility of economies.

The Bureau is analyzing various types of insurance carried by the local taxing sub-divisions on their properties, as to the aggregate amount of such policies with reference to insurable values, possibility of co-insurance, and a record form which will systematically indicate when policies come due.

The Bureau also made a report on the condition of the county funds at the close of the fiscal year and scrutinized municipal expenditures and revenues collected during the last few months of the city's fiscal year ending March 31, with a view to completing the fiscal year within the income.

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Civic Affairs Department, Indianapolis Chamber of Commerce.—The department is presenting a ten-minute discussion of local tax questions by radio to the citizens of Indianapolis each week through the courtesy of station WFBM. The ten-minute period, beginning at 7 p.m. on Wednesday, has been set aside for this purpose for as long as the department desires. Half a dozen such discussions already have been broadcast, and it is expected that they will continue for a number of weeks.

The civic affairs committee, at the request of other civic organizations, has invited all civic organizations in the city each to name a representative for associate membership on the committee. More than thirty representatives have

been selected and they will participate in the deliberations of the committee on questions of major civic importance.

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National Institute of Public Administration, New York City.—The graduate class in public administration of the School of Citizenship and Public Affairs, Syracuse University, is completing a two months' course of training at the Institute. The members of the class are J. Curtis Jenkins, Sherwood L. Reeder, and Carleton F. Sharpe. Ray Chang of Columbia University, Philip Bramer of the Catholic Charities Organization, New York diocese, and Stanley Church, councilman of New Rochelle, N. Y., are also enrolled as special students.

Dr. Charles A. Beard has returned to this country after several weeks' study of the Yugoslav National Government. Dr. Beard visited Yugoslavia under the auspices of the National Institute of Public Administration and the American-Yugoslav Society.

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Taxpayers' Association of New Mexico.—The Association is completing a compilation of governmental expenditures for the year ending June 30, 1927. The purpose of the compilation is to show the actual expenditures for all state, county and local purposes and also the sources of all receipts.

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Milwaukee Citizens' Bureau.—The Bureau is continuing to work with the City Charter League in the revision of Milwaukee's Charter of 1874, as amended. The committee is now drafting a comprehensive home rule charter based upon the principles approved by the City Charter League which provides for strengthening the powers of the mayor, consolidating the city's departments, election of aldermen from three districts by proportional representation with the uniform quota of 7,000 votes.

A charter school was conducted by the Citizens' Bureau, League of Women Voters and Federation of Women's Clubs which consisted of seven talks held weekly from February 3 to March 16, inclusive. Milwaukee's conglomeration of laws, known as the city charter, was explained, and the proposed charter was thoroughly examined. In compliance with the demand for another series of talks on the charter, a second charter school is being conducted on six consecutive Wednesdays, March 28 to May 2, inclusive. Several of the speakers for this school have been selected from those who attended the first charter school.

The Bureau has prepared a speakers' handbook on the proposed charter. The section relating to the subject discussed is distributed after each meeting.

The charter will not be submitted to referendum until April, 1929. This educational work is being done now among the women, because it is anticipated that they will be called upon to do the major work of the campaign.

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San Francisco Bureau of Governmental Research.—The Bureau in its capacity as staff agent for the municipal affairs committee of the Chamber of Commerce, coöperated with the executive committee thereof in the consideration, analysis and revision of the order in which projects should be taken up in a proposed "capital development budget" for the city; with the charter section of this committee in the consideration of charter revision plans; with the bridge and highway committee in its consideration of the proposed Golden Gate bridge; with the works and development committee in its consideration of the need for bond issues for sewers and playgrounds; with the executive committee in its consideration of the proposal that the city bear a large part of the cost of Golden Gate Heights improvements, for which the property owners requested the city to meet what were claimed to be excessive assessments.

The Bureau coöperated with the Junior Chamber of Commerce in the consideration by that body of the Cleveland and Indiana plans for the control of local expenditures, and with the program committee of the Junior Chamber in its consideration of various items proposed for inclusion in its program.

With the thought that it might be possible to make employment classification and salary standardization effective at the time of adopting the 1928–29 budget, the finance committee has requested the Bureau to secure information on salaries paid for all kinds of services by the several large cities in the Pacific coast area and by large employers in San Francisco—these data when secured and compiled to serve as a basis for standard salaries to be proposed to the board of supervisors for each class of employment in the city service.

The Bureau's study of traffic and financial factors, estimated as applicable to the proposed Golden Gate bridge, was completed and pub-

lished as an issue of *The City*, under date of January 25. This involved a mass of detailed work incidental to the compilation of estimates of population, auto registration, vehicular traffic to Marin County, and probable bridge revenues. Many copies of the report were delivered on request to the Down Town Association, the Chamber of Commerce, and the Civic League as a basis for consideration and action on the project by these organizations.

On January 15 the Bureau mailed to members of various civic organizations 10,000 copies of a report enumerating projects officially proposed, totaling approximately $335,000,000, outlining estimates of city revenues for capital expenditure purposes during the next ten years ranging from $172,000,000 (under New York bonding limitation) to $260,700,000 (charter limitation), and recommending the formulation of a "capital expenditure budget" under which projects would be taken up in the order of their relative importance and necessity, and with due relation to the city's ability to finance them. Communications were sent to four of the leading civic organizations offering coöperation of the Bureau in the consideration by each of these organizations of such a capital expenditure program. This has been actively taken up by the Building Owners and Managers' Association and the municipal affairs committee of the Chamber of Commerce.

At the request of the chairman of the supervisors' finance committee, the Bureau has agreed to undertake, as soon as its work on assessment-roll procedure can be completed, a survey of the miscellaneous revenue policies and precedure of the city. The full coöperation of the tax collector has been promised for this work.

The study of assessment-roll procedure has been continued. A study was made of the provisions of the state law controlling assessment procedure. A new real property assessment roll form has been designed which will make possible the posting of all necessary information on one page instead of on a double-page form, as at present. Many conferences were held with representatives of various office-equipment firms, practical demonstrations of the use of office equipment for preparing the roll were made, and estimates of cost of necessary equipment were secured. A preliminary draft of the proposed report on the real-property roll has been prepared and is now being revised. A start was made on study of the present procedure and requirements for securing assessed values of personal property and writing the personal property roll.

⚜

Committee on Municipal Research, Syracuse, N. Y.—Orin F. Nolting of the School of Citizenship and Public Affairs, Syracuse University, has been appointed secretary of the Committee on Municipal Research of the city of Syracuse, succeeding S. Howard Evans, who is now secretary to the mayor.

This committee of citizens was appointed by the mayor to coöperate with the School of Citizenship and Public Affairs in studying methods for increasing the effectiveness of the city government. At the request of the mayor, Charles G. Hanna, the committee is now preparing a ten-year financial program. Other projects to be undertaken include the revision of the entrance examinations for patrolmen and a survey of the department of charities.

⚜

Toledo Commission of Publicity and Efficiency.—The commission has released for publication the survey of street cleaning which has been in preparation for some time. It was published in several weekly installments in the *Toledo City Journal* during April. It covers organization, personnel, records, methods and equipment, costs, and financing street cleaning. The report includes considerable comparative data on ten other cities of about Toledo's size.

A study of city tax rates in the six largest Ohio cities for the last ten years has just been completed, and will soon be published. The rates have been adjusted to a 100 per cent basis for comparative purposes. The commission will soon publish a chart showing the per capita cost of government in Toledo for the last fifteen years, and the per capita cost adjusted to the purchasing power of the dollar during those years.

At the request of the city council a study of gas rates in eighteen Ohio cities was made. It was found that Toledo had a low rate to the small consumer and a high rate to the large consumer as compared with other cities.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Queens High in New York City.—A New York borough president's lot is not a happy one. In the brief history of the present charter, three have been removed by the governor of the state under charges, another suddenly sought a more congenial atmosphere in Paris, whence he has not returned, and still another was sent to state's prison. The latest, accused, *inter alia*, of taking one consideration with another, has just abandoned his post. Finding himself confronted with charges so serious that it would cost him $100,000 to prove his innocence, he asked the city to appropriate him this sum, and being refused, it burst his mighty heart and he up and resigned.

Queens borough has fared particularly ill. It has had four borough presidents and all have died unnatural political deaths. The present trouble had been brewing for some time, but in December last it broke, when the taxpayers of Queens were called upon to pay an assessment for some sewer pipe at Tiffany prices. A Republican alderman from Queens, a pugnacious little Irishman named Harvey, championed their cause and filed formal charges with the governor. Borough President Maurice Connolly was accused of (1) gross waste of public funds by exorbitant payments to contractors, (2) unlawful price for a patented type of sewer pipe, (3) fraudulent disregard of engineers' statements, and (4) employment of incompetent engineers. He promptly made the customary protestation of innocence and he and his counsel, the famous and fancy-priced family and criminal lawyer, Max Steuer, proclaimed their eagerness for a full and speedy investigation. This policy has never been formally abandoned, but Mr. Steuer has proved a doughty legal Fabius. Governor Al Smith, and there were rumors that he found the task not unpleasant, promptly appointed an eminent supreme court justice to conduct the investigation. It was commonly believed that Justice Scudder would step from the pudgy carcass of Connolly to the governorship. A former United States district attorney and prominent Republican, Emory Buckner was appointed as prosecutor.

The first snag came when Justice Scudder proposed to hold some secret preliminary hearings to which Connolly would not be invited. This furnished occasion for writs and injunctions and appeals, challenging Scudder's right to hold hearings and finally his right to act in the case at all. After the lapse of three months, the Court of Appeals ruled that a supreme court justice could not sit in such an inquiry, and Scudder was forced to retire.

The Governor now appointed an equally distinguished lawyer, Clarance Shearn, to take up the work. The investigation was proceeding apace, when Connolly sought the city's financial assistance in proving his costly innocence. At first, Mayor Walker looked with favor upon the suggestion, but when the question finally came before the board of estimate, Connolly was flatly denied any public money. His resignation again jerked the inquiry to an abrupt halt. The only way in which it could be resumed was for a grand jury to take it up. Mr. Buckner has been appointed special district attorney, and the investigation is again under way.

Connolly has not been alone in his difficultes. The principal person in the piece, is one Jack Phillips, millionaire pipe and sewer man, who has enjoyed ill health since the whole business began, and is now confined in a hospital at Miami Beach, where he enjoys the society of a United States marshal, for the federal government finding, to its amazement, that he had paid no income tax for the last six or eight years, has brought suit for a million and three hundred thousand dollars for back taxes and penalties.

Needless to say, the revelations thus far have been scanty. A fire occurred in the office of a prominent contracting company, another was burglarized. Zorn, the "cement King" also reports a burglary. Important records have vanished, witnesses have disappeared, and in all, there is little of a positive nature to relate. Connolly has many friends who have doubtless shared his good fortunes and are involved in his fate. Alderman Harvey is certain of this and, in conjunction with a former Republican candidate for the borough presidency, has filed charges with his party's state committee against a local

county committeeman whom he accuses of sabotaging the inquiry. Harvey has vigorously insisted that he has had more opposition from his Republican friends and superiors than from even the Democrats.

Connolly came into office fifteen years ago when Governor Dix ejected Gresser. He has been the boss of Queens ever since, although his leadership has often been challenged, at times seriously. He has built up a sturdy political machine of his own, which at times has been in open conflict with Tammany Hall. He supported Hylan against Walker in 1925 and Hearst against Smith in 1922.

Queens has grown. Upwards of one hundred million dollars have been spent yearly in public improvements. Nearly fifty miles of sewer have been laid. The demand for more improvements has been constant and insistent. Connolly has carried these demands to the board of estimate and fought relentlessly for appropriations, which has made him both popular and powerful.

It is much too soon to predict the outcome. The Meyer Committee, a legislative fishing expedition in 1921, tried to prove that Phillips was Connnolly's bagman, but without success. Surrender of his office does not mean that Connolly will surrender Queens. The election of B. M. Patten by the aldermen, to Connolly's place, does not prove that the latter will not continue to dominate the borough. It is, however, a fight between him and Tammany. There are those who think there's a new Tammany, but others think it's the same mangy old beast.

EPEXIGETICUS.

*

Chicago Government Planning Association.—Last summer on the initiative of the Chicago Forum Council a meeting of representatives of several Chicago civic organizations and three of the largest universities in the city was called to discuss the existing conditions, shortcomings and the needs of local government in Chicago and the metropolitan area. These representatives organized themselves into the Chicago Institute of Local Politics. Six sessions of the Institute were held in October and November and another in January. Problems of government were thoroughly surveyed and discussed. E. O. Griffenhagen of the City Club of Chicago, former Corporation Counsel Francis X. Busch, Professors A. R. Hatton, Leonard D. White and Jerome G. Kerwin led the discussions at the various meetings of the representatives of the civic organizations.

The most obvious and pressing needs for reform in local government were finally grouped under five headings by the Findings Committee of the Institute composed of Professor J. G. Kerwin, chairman, J. L. Jacobs, Professor Leonard D. White, E. O. Griffenhagen, George C. Sikes, Francis X. Busch, Professor A. R. Hatton, and Harold L. Ickes. These needs are stated as follows:

(1) Home rule;
(2) Unification of governmental units;
(3) Simplification of the structure of government;
(4) Better operation of the merit system;
(5) Improvement in the local election procedure.

The members of the Institute decided to concentrate present efforts toward securing home rule for the cities of Illinois. Plans for coöperating with the Illinois Municipal League were adopted. On the subject of unification, the Findings Committee recommended the abolition of the several park areas now existing within the city of Chicago and their unification under one head. It was recommended that a plan of unification for the government of the metropolitan area—a district extending sixty miles in a semicircle from the loop—be considered in the immediate future.

Although the report does not recommend by name the adoption of the city manager form of government, most of the members of the Institute favor its adoption. The report under the heading of structure recommends the separation of politics from administration, the centralization of authority and responsibility, and a simplification of governmental organization. The report also recommends the non-partisan election of judges and a consideration of the adoption of some method of central counting of ballots, and an improved registration system.

One of the most important steps taken by the Institute was the drawing up of a plan for the Creation of a Chicago Government Planning Association which is to be composed of representatives of Chicago's leading civic organizations and of those citizens who desire to promote better government in the Chicago region. A permanent Planning Commission composed of thirty-six members is to be chosen by the Association. This Association through its permanent

commission will draw up a Chicago Government Plan to guide civic organizations in their efforts for improving local government. The constitution of the Government Planning Association is now under consideration by the civic organizations of Chicago.

✠

Mayor Landes Defeated for Reëlection.—On March 13 Seattle voters, by a majority of 19,000 in a total vote of 99,000 declined to return Mayor Bertha K. Landes to the chair. Her successful opponent was Mayor-elect Edwards, a dark horse running his first race in the political arena.

The victory of the new mayor by the greatest majority ever given a mayoralty candidate in Seattle comes as a surprise when one considers that every newspaper and many of the leading organizations came out for Mayor Landes. When the votes were in it was found that she had carried only 56 of the city's 295 precincts, nor were her majorities decisive in her own precincts in the university district. Although two years ago Mrs. Landes was elected mayor by a very large vote, the fickle public seems now to have concluded that the office can be satisfactorily filled only by a man.

The contest between the two candidates had much of the flavor of an old-fashioned political campaign. Deprived of the support of the newspapers, the mayor-elect on the day before election came out with his own four-page paper. This strategic move seems to have had a great effect on the people. In it he tore into the incumbent's record, answering in strenuous fashion questions she had put to him.

Among the plans of the new mayor is the promotion of the industrial expansion of Seattle. Industrially Tacoma is growing over Seattle, and Edwards has pledged himself to bring new industries and a larger payroll to the city.

GRANVYL G. HULSE.

✠

Death of Dr. Wilcox.—The death of Delos F. Wilcox on April 4 at the age of fifty-five, leaves a wound hard to heal in the liberal ranks and in the hearts of his many friends. He combined an infectious, whole-souled geniality with keen, scholarly, intellectual ability and indefatigable zeal. Successively a critical student of city government and an authority on public utilities, he stood for the traditional American democratic ideal in its more lovely forms, and championed vigorously the doctrine of municipal self-help in public services—public ownership both as an economic benefit and as an aid to political well-being.

Born on a Michigan farm and trained at the University of Michigan, he took his Ph.D. in administrative law at Columbia, engaged in civic secretarial work in Grand Rapids, Cleveland and Detroit, and was called to New York in the early days of the Public Service Commission to be Chief of the Bureau of Franchises. After a brief period of private practice as a public utility expert he became Deputy Commissioner of Water Supply, Gas and Electricity in 1914 under Mayor Mitchel, after whose administration he resumed practice as a consultant, serving many cities throughout the land and acting as adviser to the Federal Electric Railways Commission appointed by President Wilson. In 1922 he moved from New York to Grand Rapids, Mich.

He was a writer of distinction, on matters of government and utilities, his larger works in the latter field being Municipal Franchises (2 volumes, 1910 and 1911), The Electric Railway Problem (1921), and his two-volume revision of Whitten's Valuation of Public Service Corporations just published.

H. M. OLMSTED.

✠

Progress towards City Manager Adoptions.—A definite proposal that San Francisco adopt the city manager form of government has been submitted to the board of supervisors of that city by William H. Nanry, director of the San Francisco Bureau of Governmental Research.

Due to the activity of Gadsden, Ala., the state legislature in 1927 passed an optional city manager charter bill applicable to cities of 10,000 to 15,000 population. On March 20 the people of Gadsden adopted the plan, effective October first. This is the first municipality in Alabama to accept manager government. The act is also applicable to Florence and Tuscaloosa.

New Rochelle, N. Y., has begun a determined drive for a city manager charter. In March the city council adopted a unanimous resolution establishing a commission to draft a new charter for submission to the voters. A majority of the members of the commission are committed to the manager system. Edward A. Seidman is chairman of the committee. A prominent member is Ernest S. Bradford, who is well known to REVIEW readers as author of the book *Commission Government in American Cities*. Mr. Bradford favors the manager form for New Rochelle.

Under an optional act passed by the recent

session of the Kentucky legislature, second class cities of the state are authorized to adopt the city manager form of government. Lexington will probably be the first city to avail itself of the new privilege.

Readers desiring a concise statement of the arguments for and against the manager plan will be interested in Report No. 99 of the Detroit Bureau of Governmental Research. It is entitled "Arguments For and Against the City Manager Plan for Detroit," and was submitted at the request of the Detroit Board of Commerce.

Two additional Wisconsin cities, namely, Beloit and Stevens Point, have adopted the city manager plan. This makes six cities in Wisconsin that are operating or soon will be operating under the manager plan.

✻

Cleveland Charter Election.—The result of the Cleveland election upon abandoning the City Manager-P. R. charter will be known before this number of the REVIEW appears in print. During the campaign the Citizens' League pointed out certain defects in the Davis charter. Irrespective of the undesirability of destroying the present city manager government, the alternative proposal contains unwise features which would vitiate any charter. For example, the Citizens' League points out, the Davis document would practically disfranchise one-half the voters by giving double representation to the downtown, populous wards. Furthermore, it would give the mayor practically dictatorial authority over administration. Contracts could be made without competitive bids and could be altered by the heads of departments after improvements had been started. Other defects include the omission of all provisions for an outside audit of the city's accounts, failure to guarantee to citizens the right to appear before council, neglect to prohibit council members from personally interfering in appointments in the administrative departments and failure to require administrative officers to resign their posts upon becoming candidates for office. The League also called attention to the defective recall provisions in the Davis draft.

Early in April the city council voted that its investigation into fraudulent signatures on Davis petitions cease and that a transcript of all evidence before the council committee be transmitted to the county prosecutor for appropriate action. The prosecutor has announced that he will begin the investigation and present to the grand jury any evidence of fraud or perjury which he may find. This move was interpreted by some as an effort to pass the buck from the council to the prosecutor. Until the time of going to press no results of the prosecutor's investigation have been announced.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,
Required by the Act of Congress of August 24, 1912,
Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for April 1, 1928.
STATE OF NEW YORK, COUNTY OF NEW YORK, SS.

Before me, a notary public, in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the NATIONAL MUNICIPAL REVIEW and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
Publisher, National Municipal League, 261 Broadway, New York.
Editor, H. W. Dodds, 261 Broadway, New York.
Managing Editor, None
Business Managers, None.

2. That the owner is: The National Municipal Review is published by the National Municipal League, a voluntary association incorporated, 1923. The officers of the National Municipal League are Richard S. Childs, President; Carl H. Pforzheimer, Treasurer, H. W. Dodds, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 21st day of April 1928.
[SEAL.]

MICHAEL GILLER,
Notary Public.
My commission expires, March 30, 1930.